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ABSTRACT

The hearing was held to examine the following student-transportation safety issues: defective handrails on school buses; the need for a school-bus specific-commercial driver's license; and the use of public transportation by students. Senator Mike DeWine presided over the hearing. The document contains testimonies and prepared statements of participants; articles, publications, and letters; communications; questions and answers; and selected charts on school-bus safety. Participants included officials of the National Highway Traffic Safety Administration, the National School Transportation Association, the American Association of Motor Vehicle Administrators, and the American Academy of Pediatrics; a county prosecuting attorney; and school-transportation consultants. (LMI)

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S. HRG. 104-429

SCHOOL BUS SAFETY ISSUES

ED 400 597

HEARING

OF THE

COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

EXAMINING DEFECTIVE HANDRAILS WHICH HAVE BEEN FOUND ON SCHOOL BUSES ACROSS THE COUNTRY, THE NEED FOR A SCHOOL BUS SPECIFIC COMMERCIAL DRIVERS LICENSE, AND THE USE OF PUBLIC TRANSPORTATION BY STUDENTS

APRIL 2, 1996

Printed for the use of the Committee on Labor and Human Resources

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SCHOOL BUS SAFETY ISSUES

TUESDAY, APRIL 2, 1996

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:10 a.m., in room SD–430, Dirksen Senate Office Building, Senator Mike DeWine presiding.

Present: Senator DeWine.

OPENING STATEMENT OF SENATOR DEWINE

Senator DeWine [presiding.] This is a hearing of the Committee on Labor and Human Resources. I welcome everyone here. My name is Mike DeWine, a member of the committee, and I want to thank the chairman for scheduling this hearing this morning.

I welcome everyone here for this discussion of a major issue affecting the safety of our children in this country. In February of 1995, a young girl by the name of Brandie Browder, an 8th-grader in Beaver Creek, OH, was killed when the drawstring around the waist of her coat got caught on the handrail of her school bus.

As a result of that tragedy, we began to investigate. Frankly, I wanted to know if this was just a freak occurrence, or if we could actually do something to make sure that such a tragedy never happened again.

Over the last year, we have been looking into this, and we have been alarmed to discover that the Browder tragedy was far from an isolated incident. At least six children have died in the same manner since 1991. A number of other children have been injured.

Ever since I learned about these horrible tragedies, we have been trying to warn communities in Ohio and across the country about this danger. We have publicized some methods for reducing the risks to children, such as a test that we now use in the State of Ohio to determine whether a handrail is safe. Further, I have talked about this issue at least three times on the floor of the U.S. Senate, I have written letters to every Member of the U.S. Senate, and in a previous hearing of this committee, a field hearing in Columbus, OH, we worked on the issue as well. Finally, I wrote to the directors of pupil transportation in all 50 States, and we then followed up with phone calls to all 50 States.

We have also worked with the clothing industry to try to change the design of children's clothing, to eliminate the drawstrings that are prone to snagging on handrails. We have made some progress. A number of States are checking their handrails. Many clothing manufacturers have agreed to work with us to design safer clothes,

shortening or even eliminating the drawstrings that are liable to get snagged in handrails.

But it is clear now that we are not making enough progress. Just last month, another tragedy occurred, this time in New York State. Again, a school bus handrail led to the death of a young child, a young school girl, a 14-year-old child by the name of Andrea Chen, of White Plains, NY.

In fact, we have learned that 15 States and the District of Columbia still today allow school buses with this very same deadly defect out on the road—15 States and the District of Columbia.

In addition, over the last few months, we have learned a good deal about the need for increased training for school bus drivers, which is really our second issue for the day, and about the dangers to school children who commute to school on public transportation, which is a third issue that we will take up today.

So we have more reason than ever to focus our attention on the issue of school bus safety for children. In our hearing today, four separate panels will address various parts of this problem.

First up will be Greene County prosecuting attorney William Schenck, who will detail the conclusions of his own national investigations.

In the second panel, Mr. Schenck will be joined by officials of the National Highway Traffic Safety Administration and the National School Transportation Association to discuss what has been done since the last hearing and to see what else we should do.

Our third panel will discuss the proposals for a school bus-specific commercial driver's license in an effort to improve driver training.

The fourth panel will discuss the safety problems faced by children who go to school on public transportation.

But we begin this morning with the issue of handrails. After the Brandie Browder tragedy, I wrote a letter to the officials in every, single State who were in charge of pupil transportation safety. We have this letter here today, the letter you can see displayed to my right.

In this letter, I said in part—and keep in mind this went to officials in every, single State, to the official in charge of pupil transportation safety—this is what I said in part: "I am writing to warn you of a dangerous defect in school buses that is costing the lives of children. Every school bus in your State needs to be tested for this defect before school starts this fall. By now, I am hopeful you are aware of the tragic occurrences around the country involving children being injured and in some cases killed while exiting school buses. An article of a child's clothing or even a backpack strap gets caught in the handrail of the school bus while the child is existing the bus. The bus doors close and, without the driver realizing that the child is still attached to the bus, the bus pulls away and the victims are dragged and even run over by their own bus." End of quote.

That is the problem as I outlined it at the time. Then I continued in the same letter, and I told the safety officials what they could do about it. I wrote that in Ohio, "The Ohio State Highway Patrol conducts school bus inspections every year. This year, these inspec-

tions are going to include a special test of the handrail to ensure its design is not susceptible to clothing being snagged."

I then in the letter described the test, which is a very simple and inexpensive test. I said: "If you are not already testing school buses in your State, I urge you to do so."

Well, we got back a handful of responses from the 50 States. One of the States, New York, wrote back what you see up here. The second letter that we are now seeing displayed is the letter that we received back from the State of New York in response to the first letter that I just detailed.

This letter is available, and let me just read in part what that letter in response to my letter contained. "Thank you for your letter concerning the potential danger of handrails. Those of us working in pupil transportation services in the State of New York certainly share your concern."

However, later in the same letter they went on to say the following: "At the present time, inspection approval is not withheld if the handrails have not been modified to include spacers." "Not withheld." That means the dangerous buses are approved and sent out onto the road again.

One such bus was on the road a couple of months ago, and as a result, Andrea Chen died; she died when her drawstring was caught on the defective handrail.

Recently I asked the pupil transportation safety officials in all 50 States whether they inspect their school buses for these potentially deadly handrails and, if the school buses fail the inspection if the handrails are dangerous, are they in fact withdrawn. This was done recently, in preparation for this hearing. We wanted to see, quite frankly, how far along they were.

What you see displayed now are the results. Fifteen States and the District of Columbia said no, they do not. In these States, the ones in red, even if the bus handrail is potentially deadly like the ones that killed Brandie Browder and Andrea Chen, that bus will still stay on the road. This is what happens today in Arizona, Georgia, Hawaii, Illinois, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Texas, Wyoming, and Washington, DC. In these 15 States and the Nation's Capital, there is today a tragedy waiting to happen. And there are three other States that did not even respond to our question, so we have no idea what they are doing. And let me point out that they were sent registered letters, and we then followed up with these three States verbally on the telephone and asked for them to please respond, which they said they would do. We still have not heard from them—Maryland, New York and West Virginia. These are the States that did not respond. That is why you see the question marks there.

Let me summarize this if I can. We have these charts available, and we list every State, and we find some amazing things. I am particularly perplexed by the States that say they do—and this is their own response, and we have to take them at their word—they say they do inspect for defective handrails. And then we ask the second question: "If the answer is yes, do you then take the bus off the road?" Arizona says they inspect for the handrail, but they do not take the bus off the road if they find there is a problem. Geor-

gia says they inspect for the handrail, but they do not take the bus off the road. Hawaii says they inspect for the handrail—they answered that "yes"—but no, they do not take the bus off the road. Louisiana says yes, they inspect for the handrail; if they find there is a defective handrail, do they take it off the road? Again, the answer is no. We could go on and on and on; Wyoming, the same thing, and other States as well.

I think this chart really tells the story. What it says is that the States in red are the States that, despite repeated warnings—despite repeated warnings—still, for some unexplainable reason to me that I simply cannot fathom, do not take these buses of the road. And as you will hear later in the testimony, these defects are very easy to detect—it is a very simple test—and it costs about $1.50 to correct them. These buses could be fixed for $1.50. These States that appear in red for some reason still seem to want to ignore this, and we still have children, as we did in the State of New York several months ago, who are killed. And I think we can expect that this will continue until these States, the bureaucracy, the people in charge, get the message.

Senator DEWINE. These deadly handrails are the subject of our first and second panels. Let me now introduce our first witness.

William Schenck has served as president of the National Organization for Victims' Assistance. He has been the prosecuting attorney of Greene County, OH since January of 1991. Mr. Schenck investigated the Brandie Browder tragedy because that tragedy occurred within Greene County and within his jurisdiction. His investigation then became national in focus when he discovered that other similar tragedies have taken place. Mr. Schenck's work on these cases has made him a national expert on handrail safety.

Mr. Schenck, welcome to our committee. Please proceed. We already have your prepared testimony, which we will make a part of the record today and which will be available. If you want to reference that, or if you just want to begin discussing the issue, go right ahead.

STATEMENT OF WILLIAM F. SCHENCK, PROSECUTING ATTORNEY, GREENE COUNTY, OH

Mr. SCHENCK. Good morning, Mr. Chairman and members of the committee. My thanks for the opportunity hopefully to make a difference.

I am Bill Schenck, and I am the prosecuting attorney for Greene County, OH, your home county, in this case by coincidence, Senator.

A few days ago, on February the 27th, we in Greene County commemorated, I guess you might say, and maybe in some way attempted to memorialize, Brandie Browder's death. The signposts and street lamps were adorned with these ribbons that you see.

For me, it was an opportunity to look back upon the 12 months preceding her death and to reflect upon my personal experience of going out to her parents' and siblings' home in my county. When I got there, of course, Senator, you can imagine—I discovered her mother and father and brother, a brother who had personally witnessed his sister being crushed under the wheels of a school bus as it drove away. And perhaps with the thought of getting people

a little more motivated to understand this, I will try to describe how it was.

The mother was sitting there, numb and in shock; the incident was fresh. Her younger brother was literally traumatized, having gotten off the bus and waiting for his sister to clear the area and walk into the house together. The mother was going through extreme guilt because generally, she picked her child up; she generally did not have her little girl, Brandie, ride home on the bus. On this particular day, however, the circumstances dictated that.

The school bus driver had 20 years without a single driving violation. She was popular, responsible, generally attentive to the children, a sympathetic figure to say the least.

These are the characters.

The father, trying to be strong for his family, trying to deal with this.

In the street was a huge pool of blood where this bus had literally run over the child's head and skull. There were immediate persons all about, cameras, family, people standing—much like what you do see when you see this kind of tragedy.

My feeling at that time was how could this have happened. How could this happen? Well, we know how it happened. You have a diesel bus with its radio on, the children listening to this FM rock station—and I am not condemning anybody for that. It happened because the driver did not do what she was supposed to do. She broke State law. She drove away without being certain that the child had reached firm, safe ground. You start there. That is certainly the primary proximate cause of this child's death.

We prosecuted that school bus driver, not with any degree of happiness. She was a sympathetic figure. We elected to prosecute her for a misdemeanor as opposed to a felony. We felt that we had to make some statement. It was a terrible thing. The bus driver herself when she appeared in court nearly passed out and had to be held by her husband. I think she was as traumatized and paying as much a price for what has occurred as anybody. And I saw that, and I felt tremendous empathy and compassion for her.

Nonetheless, she broke the law, and she caused a child's death, so we did what we felt our oath required us to do.

But it did not end there. I was and still am interested in another aspect of this from a prosecutorial standpoint because that is what I am. What about those manufacturers? What about those who produced this product knowing, knowing full well that those strings have caused numerous tragedies? What responsibility, Senator, do they bear?

We know about our educational system and the warnings they have had? In my own case, there was communication from NHTSA; there was a lot of passing the blame: Well, I did not know this, and I did not know this, and we did not get this letter, and we did not get that. And ultimately, we did not have the evidentiary base to prosecute anybody in our school system, nor was I looking to make anyone a scapegoat. We just did not have the evidence.

We had a bulletin board with a notice on it for drivers, warning them about the problem, but we had no real training for the drivers, we had no coherent policy, we had the typical bureaucratic red tape that is attendant with these inspections. Ultimately, you can-

not prosecute a governmental subdivision in Ohio, and there were no individuals that we could really show probable cause to violate. So we focused next on the bus manufacturer as a possible target.

Well, the bus manufacturer in that case had gone bankrupt, and there was really little purpose in going forward.

We now look at the possibility of investigating—and we will investigate—the manufacturers of the clothing. You know, Senator, having been a prosecutor and a trial lawyer, that proving a case beyond a reasonable doubt is not an easy thing to do in this kind of case, but I am curious as to how many other incidents other than just the ones I am going to talk about for a moment here involved injury to adults and other people catching drawstrings in doors, ski lifts, and on playgrounds.

The problem here today is school bus safety, but truly I suspect the problem is far greater than this. And to what extent does a prosecutor attempt corporate prosecution of clothing manufacturers who, in the face of known incidents, deaths and injuries, over a period of years and years nonetheless continue to produce the item because it is popular or because it is profitable or whatever? And I am not going to get too much on the soapbox, but I think that we as prosecutors have to look at this.

I went to New York and met with Mr. and Mrs. Chen. They sent me this statement, which makes me more than sad. You have it, Senator, as part of the record.

Senator DEWINE. And again, if I could interrupt, Brandie Browder's death was when?

Mr. SCHENCK. Brandie Browder died on February 27, 1995. On February 10, 1996, Andrea Chen died in White Plains, NY.

Senator DEWINE. So approximately 1 year later.

Mr. SCHENCK. Yes. I also met with people in Arizona who were most helpful in giving me information so I could figure out where my prosecution might go. The girl there, Danielle Siefert, died in 1991. And as you know, there is a whole list of these, Senator. We go back to West Virginia 20 years ago——

Senator DEWINE. Could you just briefly read that list?

Mr. SCHENCK. Yes. I can give this to you. This is the lead article——

Senator DEWINE. And we will make that a part of the permanent record, but if you could just summarize that for us or give us the list.

Mr. SCHENCK. And I find that interesting—as I look at West Virginia's question mark, I do not know the status— but 20 years ago, a West Virginia girl died beneath the wheels of a school bus after her clothing snagged on a handrail as she climbed off the bus. Ten manufacturer recalls, now six more deaths, 11 more injuries and probably more since this article, have come and gone, and nearly half of the buses have never been repaired. And of course, this article goes on to talk about the problem in general, and as you know and as your counsel there has shown you, the problem comes primarily with the rail and the way the rail comes in and forms a V—although I will tell you that that is not necessarily the case in every instance. There are, of course, different manufacturers and bus designs, but the problem generally is similar—where the end of the rail meets against whatever wall of the bus, whether it is

an outer wall or an inner step wall, there is a gap, there is an opening, there is a V, there is something generally that allows clothing, the string from the book bag, or from the coat—and as you may know, with children in their early teens especially, they wear a lot of oversize clothing which complicates the problem even more, and that was the case in the Chen situation, where the parents bought her a little bit oversized coat, making the string, of course, a little longer. The string catches, but because of the way the clothing is manufactured, the child does not realize it is caught until it has run the string, so to speak. They are out the door; the door closes, and the bus, being a diesel most often, if not always, the driver cannot hear.

If the driver uses the mirrors, and the mirrors are set properly, then you do not have a problem. The problem, unfortunately, is that we need much more awareness and training of our drivers. The drivers are on schedules, they are pushed to meet certain time constraints, they are good people who are doing a job under difficult circumstances, but the standards are not high enough, the training is not enough, the awareness is not enough. They fall into the same lapse that we do every day in things that we do on our jobs. The child does not clear, and the next thing you know, the child is literally tethered.

The child in the Beaver Creek case, Brandie, was running—she ran for a considerable distance, trying to save her own life, screaming at the top of her lungs, with children standing on the side of the street, yelling, too late. Ultimately, of course, she trips, she falls, the nylon holds up or snaps, and under the bus she goes.

Amazingly, when we first started dealing with this publicly in my jurisdiction—at least, amazingly to me—there were many people who literally believed that we were trying to sensationalize this or to grandstand for political purposes. I think in the 20-plus years that I have been in the prosecution business, nothing has offended me, Senator, as much as people's rather blase attitude about this.

And I can go on and give you some of these deaths. Just since 1991 alone—5 years—in Missouri, a child was injured when the drawstring snagged the handrail and the bus ran over the child's arm. In March 1991, Cary Chipps, age 12, was killed in Beckley, WV, when her drawstring snagged the handrail and she was run over. In December 1991, Holley Finley, age 8, was killed in Westport, CT when her drawstring snagged on the handrail.

In January 1992, a Pennsylvania child was injured in a handrail snagging incident. In February 1992, another Pennsylvania child was injured in the same way. In May 1992, a Washington child was injured. In November 1992, a New York child was injured. In December 1992, an Indiana child was injured.

In November 1993, Renee Belongia, age 9, was killed in Wisconsin when her drawstring snagged the handrail. In December 1993, a Michigan girl was injured.

In March 1994, Danielle Siefert, age 12, was killed in Paradise Valley, AZ, when her book bag strap snagged on the handrail, pulling her under the bus. In November 1994, a girl was injured in a handrail snagging accident near Geneva, OH.

In February 1995, Brandie Browder was run over and killed in Beaver Creek, OH. In March 1995, a week later, in Cincinnati, 50 miles south, the same instance, a girl was injured.

In February 1996, after all of this and a year of effort, Andrea Chen, age 14, was killed in White Plains, NY.

And on and on—heaven knows what others may be out there of which we are unaware. I guess that is the prosecutor in me, a cynic perhaps.

And then I see this letter from Mr. and Mrs. Chen, and they are sitting there when I talk to them about this, just shaking their heads.

I will conclude my remarks, Senator, by saying that just a couple days ago, I was talking to a school principal—it is best not to say where; I do not want to deliberately embarrass anybody—and we were talking about what I am doing with my job and where I am going, and we were talking about some cases that I had tried, some murder cases. I mentioned to her that I was going to Washington to see if we could make some more progress in dealing with this problem of school bus safety and handrails, and she looked at me, puzzled. I realized that this was a lady with 20 years in the profession of education, in charge of 800 elementary school children—a huge school—almost all of them served by school buses in the State of Ohio, where supposedly we have made these changes, and she had not a clue of what I spoke.

I went further to explain to her, "You know, you know, the handrail problem. You know, these children that have been killed, and Brandie Browder in Beaver Creek, and the little girl in Cincinnati and the other little girl in Geneva and the little girl in New York and the girl in Arizona"—I went on—and she was looking at me, like, "No, no, I was not aware of that."

I was literally shocked—not angry at her, but shocked—that we could still be in this posture with this kind of problem, especially when you look at how truly simple it really is to fix the problem. And as you know, in Ohio, of course, the biggest problem when I first started looking at this was that, "Well, you know, we have to inspect these buses, but that handrail problem is not on our protocol, on our agenda."

And I asked why not, and they said, "Well, it is just not. The committee that deals with this problem says we have to do the tires, and we do the wipers, and we do the mirrors, and we do the lights—but we do not do the handrails."

I said, "You have already had these incidents—they are on record—in Geneva, OH. Why is it not on there?"

"Well, I do not know. The committee did not think it was"—I became enraged. I said, "What is it going to take? I mean, are you people going to have to be indicted and put in the State penitentiary before you get it?"

That is how I feel as a prosecutor. I mean, how many children are we going to kill, and how many educators and others are going to just pass the buck on and say we are not going to do anything about this?

I went to New York and spoke with the police detectives, and they told me that they felt there was very little hope that there would be a prosecution in New York. I do not know their laws. It

is none of my business. It is not my jurisdiction. But I find that hard to believe; I find that hard to believe. I find that in most of these cases, there has not been a prosecution. I will tell you, Senator, it is viewed as "one of those things." It is just one of those things. Accidents happen. I do not buy that.

Senator DEWINE. You have a letter, August 2, 1995, from the State Education Department at the University of the State of New York in Albany, NY. And in this letter to me in response to a letter that I wrote to them, they acknowledge that they understand the problem and still, on the second page, they say: "At the present time, inspection approval is not withheld if the handrails have not been modified to include spacers." And they go on: "The New York State Education Department will raise the question of handrails and testing in a future meeting of the Tri-Agency School Bus Safety Committee which consists of representatives from the New York State departments of motor vehicles, transportation, education, local school districts and contractor associations. I appreciate your concern," etc.

And then—and then—4 or 5 months later, a little 14-year-old girl dies in New York.

Mr. SCHENCK. Yes. That is an August letter, and she died February 10th. I mean, I realize that it is easy for me to get up here, and I do not want to be guilty of being a demagogue. I do not want to be unsympathetic to the problems that these people have, but I mean, look, all you have to do is take this——

Senator DEWINE. Explain to us what that is.

Mr. SCHENCK. It is basically a home-made device—we got from Connecticut; I believe that Connecticut actually started this after the death they had, and I think the State patrol and the people in Ohio copied this from the people in Connecticut. What you do is you take it down through the rail, and if it slides over it and does not snag, then basically, the grommet or the washer or the other device that might be used, a retrofit spacer, is deemed to have passed the inspection.

Senator DEWINE. So that is the device, for example, that in Ohio, after Brandie Browder died, when the highway patrol put that on their list of things they were going to check on the school buses, that is the device they used to check it.

Mr. SCHENCK. We visited with the people at the Columbus highway patrol, we talked, and they basically said, look, we are not going to wait for this appointed group to put this issue on the inspection list; we are going to do it. And I do not know how they did it, but more power to them. They basically said we do not care what is on the list, we do not care what the protocol is, these buses are going to go back in and get fixed. And I believe that is what has occurred.

Maybe that cannot be done everywhere. Maybe there are different laws. I do not mean to be simplistic or summarily unfair——

Senator DEWINE. My understanding of the facts, though, is that in every State they do inspections—in every State in the Union, every school bus is inspected every year.

Mr. SCHENCK. I believe that to be true.

Senator DEWINE. So if you are doing the school bus inspection, it probably takes 30 seconds to do that.

Mr. SCHENCK. Yes. It is not really that intensive even in terms of manpower. It costs $1.50, $2. Yes, it takes a little time——

Senator DEWINE. To fix it.

Mr. Schenck [continuing.] Yes, but not much, not a great deal of time. It is not complicated.

Senator DEWINE. You indicated that you had talked to the family in New York, the Chens, and you have a letter there.

Mr. SCHENCK. Yes. I literally took Mr. Chen to the district attorney's office and to the victim advocates and tried to place him in the hands of some local people. I mean, it is not my case or my jurisdiction. I was there from the standpoint, frankly, of gathering information for possible prosecution against clothing manufacturers, to be blunt, to talk to him about it. They sent this letter, and I think it pretty well summarizes how all of these families feel.

"On February 10, 1996, a young girl's life was lost. It would have taken a washer that can be purchased at any local hardware store at a cost of $1.50 to save her life. Andrea Chen died because the drawstring hanging from her jacket became snagged in the handrail of a school bus she was riding as she was disembarking from it. This caused Andrea to fall under the rear tires of the bus as it pulled away, crushing her to death."

"Andrea was not the first child to be killed this way. A common design flaw in school bus handrails that had been subject to Federal Government warnings and recalls has caused similar accidents across the country."

"Each morning when we bid our children, grandchildren, brothers, nieces, nephews and cousins goodbye, have a good day, be careful, watch when you are crossing the street, we expect them to return to us after school lets out. We do not expect to receive a telephone call saying that our child that we love so dearly has been involved in a tragic school bus accident. We do not expect to rush to the hospital to hear that our child has been pronounced dead."

"In one split-second, all of our expectations, hopes, joys have been destroyed forever. No more will we ever hear their laughter, dry their tears, listen to their plans for the future. No more will we ever see their beautiful smiles. Instead, we are led into a room to identify a body, a body that has been crushed by the tires of a school bus, all for lack of a washer that could have and should have been installed on the handrail of the school bus for a cost of about $1.50."

"How many more senseless deaths will it take to ask Congress to pass a law making the modification of this handrail mandatory? How many more children will survive and be disabled for life? What do we have to do? Do we have to take matters into our own hands? Should every PTA group across the country spearhead their own committee and check out every school bus in their school district and, if necessary, install the washers of the faulty handrails themselves? Or should Congress stop procrastinating and pass the law?"

"You know the answer. Steps must be taken immediately to pass a law. Andrea Chen's death and all the senseless deaths of all the other children across the country should not be in vain."

This was sent on behalf of Michael Chen, the father of Andrea Chen, in White Plains, NY, Senator, and thank you for allowing me to read that into the record.

Senator DEWINE. Thank you.

Mr. SCHENCK. You have my testimony, and of course, you have had the experience of being with and talking to the Browders as well. Maybe at some point, you will be able to talk to Mr. and Mrs. Siefert as I have as well.

[The prepared statement of Mr. Schenck follows:]

PREPARED STATEMENT OF WILLIAM F. SCHENCK

Good Morning, Mr. Chairman, distinguished members of the Senate Labor and Human Resources Committee.

My name is William F. Schenck. I am the Prosecuting Attorney for Greene County, Ohio. Earlier this year on February 27, 1996, in Beavercreek, which is located in Greene County, many sign posts and street lamps were adorned with white ribbons. Numerous members of the community also displayed white ribbons on their clothing. I, today, am wearing one of those ribbons. The ribbons were designed and distributed as a remembrance of Brandie Browder, who one year prior to February 27, on that date, was killed while exiting her school bus.

Brandie, a thirteen year old junior high student was on her way home from school and exited her school bus immediately following a neighbor and her brother, James. While exiting the bus, the drawstring on Brandie's coat fell into the handrail that ran along the right hand side of the bus exit.

The handrail is a chrome, tubular piece of metal that runs the length of the wall of the exit stairs of the school bus. Where the rail meets the wall of the bus nearest the door, the rail and the wall form a V. Brandie's coat that she wore on February 27, 1995 had a drawstring around the waist. This string, which comes out and hangs for a length, contained on the end a small leather grommet and a piece of plastic. These drawstrings are normally used for cinching, tightening and tying the jacket so it fits closer at the bottom. As Brandie was exiting the school bus, the string fell in between the tubular rail and the wall of the school bus and as she progressed down the steps, the string remained in the grove and the end, being larger than the opening at the bottom of the V, snapped. Brandie exited the bus unaware that part of her coat was snagged and attached to the handrail in the V-portion that connects the wall of the bus to the rail. The bus driver closed the door and proceeded to drive on. Brandie ran after realizing she was caught to keep up with the bus, but it accelerated and she was unable to keep up. She tripped and fell under the bus and was fatally wounded when she fell into the path of the rear wheels of the bus. Unable to free herself, the bus ran over her head and the upper portions of her body. The bus had completed the rest of its route and was back at the service garage before the driver knew the accident had occurred.

When word of this accident reached my office, I was shocked at this senseless and horrible death of a young person in my community. I initiated an investigation to determine the cause of this accident and to clarify any questions of criminal liability associated with this accident. My investigation revealed several things. The most relevant of which is that the combination of drawstrings, be they on jackets or book bags, and school bus handrails of this design is a lethal one. Another major contributing factor is the danger zone. The danger zone is the area within ten feet surrounding the bus. In most of these cases, the bus drivers failed to clear the danger zone. A simple three second check to the right, to the front, to left, and a check of the mirrors could have prevented these deaths. All the driver need do to ensure a child is not caught in the door is to watch each and every child leave the bus and continue to watch them until they are clear of the danger zone. In Ohio, and many other jurisdictions, the law requires school bus drivers verify that disembarking students are a safe distance from the bus before the bus proceeds. This law and the circumstances surrounding Brandie's death led to the conviction of the bus driver of Negligent Homicide. While we were shocked at Brandie's death, we were even more shocked to find that her death was not the first fatality due to this lethal combination and sadly, hers would not be the last.

During my investigation, I discovered that a similar incident had occurred in Parade Valley, Arizona and I contacted local officials there to compare notes and determine the cause of the accident there. In Arizona, Danielle Siefert, 12, carrying a book bag on her back, exited a school bus with a similar designed handrail, and a strap on the book bag snagged and became wedged in that V and as with Brandie,

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the child was caught and dragged underneath the bus and subsequently killed. Again the driver just drove on and did not verify the danger zone was clear.

Since Brandie's death and just prior the anniversary of her death, Andrea Chen, 14, of White Plains, New York was killed when the drawstring on her jacket snagged on the school bus handrail as she exited. She was pulled under the bus and run over. The driver, again, just drove on. It wasn't until the next stop, when two girls exited the bus and found Andrea's coat still tangled in the door, that the driver realized there had been an accident.

What is also alarming, however, is that even twenty years ago students were being killed while their clothing became snagged on handrails exiting school buses. Here is a chronology of students injured or killed in similar accidents since 1991:

April 1991: Missouri child injured when drawstring snags handrail; bus runs over child's arm.

March 1991: Cary Chipps, 12, killed in Beckley, W. VA., when drawstring snags handrail and she is run over.

December 1991: Holley Finley, 8, killed in Westport, Conn., when drawstring snags handrail.

January 1992: Pennsylvania child injured in handrail snag accident.

February 1992: Another Pennsylvania child injured.

May 1992: Washington child injured.

November 1992: New York child injured.

December 1992: Indiana child injured.

November 1993: Renee Belongia, 9, killed in Markesan, Wis., when drawstring snags handrail.

December 1993: Michigan girl injured.

March 1994: Danielle Siefert, 12, killed in Paradise Valley, Ariz., when bookbag strap snags on handrail, pulling her under bus.

November 1994: Girl injured in handrail snagging accident near Geneva, Ohio.

February 1993: Brandie Browder is run over by school bus after her coat drawstring snags on bus handrail, Beavercreek, Ohio.

March 1995: Cincinnati girl injured.

February 1996: Andrea Chen, 14, killed in White Plains, NY, when coat drawstring snags and she is pulled under the bus.

The current popularity of baggy clothing and the proliferation of drawstrings on clothing seems to have compounded this problem and made it an ever present danger to school children throughout the country. My investigations into these deaths have also revealed that there is a simple fix to this problem. Many of these deaths need not have occurred had an inexpensive and uncomplicated repair been made to the handrails of the school buses throughout the nation. One obvious solution is also to remove the drawstring or shorten them so that they are not prone to becoming caught in the handrail. Another obvious solution is to increase driver training and awareness. Drivers must be made aware of the law and be required to follow the law. A simple turn of the head can save lives. The danger zone is called that because it is dangerous, a seated driver behind a large, loud diesel engine has a simple and effective tool to insure the safety of disembarking passengers, a visual verification that the children that exited the bus are clear of the bus before it starts to move.

The solution that we are taking in Ohio to the problem of the handrails and the drawstrings is a simple one. We add an inexpensive spacer to the juncture between the stairwell wall and the handrail. When a spacer is placed between the handrail and stairwell wall, the V portion of the connection is negated and it becomes impossible for clothing, or at least less likely, to become snagged at that hazard point. The Ohio State Highway Patrol, which is the agency in Ohio responsible for inspecting school buses, has developed this device which they use to inspect the handrails on every bus in Ohio. They have done this since July, when all school buses are inspected on an annual basis. This device is placed between the rail and the stairwell wall and if it becomes snagged, the bus is grounded and is not operable until the repair has been made and the device can freely pass the length of the rail into that V section. Every bus in my jurisdiction has been tested. If it hasn't passed, it is undergoing repairs so that it can pass. This year during spot checks currently being done in Ohio and on this summer's annual inspection in July, not only will the right side handrail be inspected with this device, but also the left side, where the door is located, will also be inspected and will be required to have the appropriate spacer so that the danger of snagged clothing is reduced even more.

This is a simple solution that can save our children's lives. Up to now, it has not been a mandate. As of July, 1995, statistics from the National Highway Traffic Safety Administration show that over 80,000 school buses have not been inspected or repaired that have this dangerous condition where the handrail forms a V and cre-

ates a hazard point for children to snag their clothing and/or bookbags on. If children are still being killed because of this lethal combination of drawstrings, handrails, and driver inattention, something must be done for a uniform inspection of all these handrails, mandatory repairs, and mandatory driver training, to ensure that this known hazard no longer exists and no longer poses a danger to children, our children who are riding buses to and from school.

Thank you for your attention.

Senator DEWINE. I think this is a good point now to ask the members of the second panel to come forward, and I will ask Mr. Schenck to remain.

Joining Mr. Schenck now are three officials responsible for school bus safety. These panelists are among the people American should look to for leadership in making sure buses with dangerous handrails are in fact taken off the road.

We have two officials from the National Highway Traffic Safety Administration. Philip Recht is deputy administrator of the National Highway Traffic Safety Administration, and Charles Gauthier is executive director of the National Association of State Directors of Pupil Transportation.

We welcome you to our hearing. Please start in any particular order that you wish.

Mr. Recht, good morning.

STATEMENTS OF PHILIP RECHT, DEPUTY ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, ACCOMPANIED BY RON ENGLE, CHIEF, SAFETY COUNTERMEASURES DIVISION, OFFICE OF TRAFFIC SAFETY PROGRAMS; AND CHARLES L. GAUTHIER, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES

Mr. RECHT. Good morning, Senator DeWine. It is my pleasure to appear before you today to provide an update to my August 1995 testimony which was presented when you held a committee hearing in Columbus, OH. Let me say now what I said then, which is to commend you on behalf of the National Highway Traffic Safety Administration for drawing critical public attention to this very serious issue.

Accompanying me at the witness table is Ron Engle, who is chief of our National Highway Traffic Safety Administration—I am going to refer to it as NHTSA from here on—Safety Countermeasures Division, Office of Traffic Safety Programs. Also here with us should you have any particular questions about our defects investigation are three members of our defects team—John White, John Hinch, and Sonny Murianka—sitting behind us.

Senator DeWine, I would ask that my complete statement be included in the record.

Senator DEWINE. We will make it a part of the record.

Mr. RECHT. Thank you.

Senator, even though school buses are among the safest of all modes of transportation, an average of approximately 42 school children under 19 years of age have been killed each year in recent years in school bus related incidents. Eleven of those children have been killed as occupants of the school bus, 31 as pedestrians in the immediate vicinity of the bus. And since in fact most of the children are killed outside the bus, we at NHTSA have focused our at-

tention on school bus safety efforts around issues concerning the vicinity of the bus, and this has involved both our mechanical and educational efforts as well.

This portion of today's hearing continues your review of one of NHTSA's highest priority issues in that regard, that is, the snagging of children's clothing or book bag straps on stairwell handrails.

This is a relatively small segment of the overall problem. As indicated by the prior speaker, six children to our count have been killed since 1991 in this manner. However, it is a particularly tragic segment of the overall problem since these deaths are all totally, totally preventable.

NHTSA is strongly committed as you are to solving the handrail snagging problem, and we have taken quite aggressive steps to remedy this situation. My complete testimony summarizes the agency's activities. We described those in some detail in August, but let me just remind you that in August we indicated that as of the time of that hearing, we had conducted 14 investigations resulting in 12 recalls by 10 manufacturers, affecting approximately 180,000 buses. As of the time of that hearing, we had a completion rate or a repair rate of approximately 65 percent.

At that hearing, we also indicated that we had engaged in unprecedented educational outreach efforts, led by Mr. Engle here, involving a host of public warnings, press releases and the like, video news releases, meeting with all State pupil transportation directors and a host of local officials as well.

We also indicated at that hearing that we were aware of a particular situation involving the Wayne Corporation of Richmond, IN. Between 1979 and 1992, you will recall that that company built approximately 150,000 school buses, all with the problem handrail, all of which needed to be remedied. However, the company went out of business in 1992 and thus could not be reached through our normal recall and remedy process, and we were not aware of a successor that had responsibility.

Since August, we have learned that yet a second school bus manufacturer also built buses with problems in the handrail. That was the Carpenter Body Works Company out of Mitchell, IN. That company had built approximately 25,000 buses with the handrail, and that company also had gone out of business.

I am pleased to be able to report to you today, Senator, that this past October, after some significant negotiations, we were able to secure an agreement with Carpenter Manufacturing, Incorporated—that is the company that acquired the assets of both Wayne and Carpenter Body Works—that company has agreed to make replacement handrails and spacers available as a good will action for both groups of vehicles. They will make the repair parts available for the Wayne buses at cost, and they will make the parts available for the Carpenter Body Works buses at no cost.

Also, let me indicate that they are undertaking the expense of identifying and notifying the owners of all those buses, and that is a cost that typically goes unnoticed in these defect cases, but that is often quite expensive.

As well, we have proceeded to conduct a number of additional defect investigations since August. Those investigations have resulted

in an additional 10 recalls affecting approximately 132,500 buses. Now, there is some overlap between that group of buses and the 180,000 which I mentioned earlier, but counting for the overlap, we have now secured the recall of approximately 280,000 buses.

I can also tell you, Senator, that as of today, the completion or repair rate on that first group of buses is now up to 71 percent. Our typical completion rate for public school bus recalls is about 80 percent, and we are working very closely with the manufacturers to get these numbers up to that level. We do not yet have first reports in from the new group of recalls, but we will let you know what the repair rate is when we receive that information.

On the education front, we have also moved forward quite forcefully. We have again, through Mr. Engle, met with the pupil transportation safety directors of virtually all 50 States and with hundreds of local officials to discuss the problem and to urge them to do exactly what you are suggesting, which is to get the vehicles fixed.

Also, this past September, we produced and widely distributed a 17-minute training film, and I have a copy here with me which I would be glad to submit for the record. It is entitled, "Protecting Our Children," and it is directed at school administrators and law enforcement officials and has both real school administrators and law enforcement officials on the tape speaking about how to deal with the situation. To date, we have distributed over 600 copies of this videotape. It has also been broadcast on the Law Enforcement Television Network this past October.

We also added a new dimension to our outreach effort, probably an unprecedented effort for NHTSA, and that is to utilize the members of our 10 regional offices. As you may know, we have approximately 80 employees in the regions, and they typically deal with our safety programs; they have not historically been involved in vehicle defect matters. However, due to the seriousness of this situation, we asked that each of them go out and visit one large school bus operator in each State to determine if recall notices on the handrail snagging problem had been received by the operator and whether the repairs were being made. Also, we asked them to go out and visit each State's highway safety and pupil transportation office to again ensure that they had developed a strategy for remedying the buses.

These visits took place between November 1995 and March 1996. To assist our regional people and the school bus operators and State officials, we prepared and gave to the regional staff a special package of information on the snagging problem, which includes about 10 items. We have blow-ups of two of those that I can show you.

Mr. ENGLE. They are done in such a way that they can be easily reproduced in each State.

Senator DEWINE. Now, who gets those?

Mr. ENGLE. The people took one to every meeting they had. The package included the two videotapes, the VNR we talked about at the hearing last August, and the Law Enforcement Television Network tape. Each State was provided with one.

Mr. RECHT. And Senator, in this package, we passed out these special alerts, one for parents and teachers and one for drivers. The

parent and teacher alert was done in both English and Spanish. Also, the package includes all of our prior news releases, as Mr. Engle indicated, the videotape, and it also had the Connecticut string and bolt testing device that Mr. Schenck referred to, our auto hotline questionnaire, a chart showing the recalls so you could tell which vehicles were subject to the recall, as well as a list of contacts at NHTSA, so that if there were any questions, they could be answered. I will submit a copy of this for the record, also.

Senator DEWINE. Thank you. We will make that a part of the record.

[Documents follow:]

U.S. Department of Transportation
National Highway Traffic Safety Administration

Memorandum

Subject: Regional Offices Support in the School Bus Handrail Recall

Date: FEB 27 1996

From: Adele Derby
Associate Administrator
for State and Community Programs

Reply to Attn. of:

To: Michael Brownlee
Associate Administrator
for Safety Assurance

My office and the ten regional offices appreciate the opportunity to participation in this important effort of trying to make school bus travel as safe as possible. I have attached a report on our role to increase the safe correction percentage of recalled school buses because of the handrail snagging problem. I hope that you find this report useful.

SCHOOL BUS HANDRAIL PROBLEM

ROLE OF THE OFFICE FOR STATE AND COMMUNITY PROGRAMS

Initial Request:
The Associate Administrator for Safety Assurance requested assistance from the Associate Administrator for State and Community Programs to enlist the participation of the 10 regional offices in a significant grassroots type effort to increase the remedy percentage for recalled school buses concerning hazardous handrails. Five deaths and numerous injuries had been reported since 1991 that related to clothing being snagged in the handrail and subsequently the bus running over the body of the departing student. As of September 1995, the date of the request, only about 60 percent of the recalled buses had been fixed after numerous notices, from NHTSA and manufacturers starting in 1993, were sent to school bus owners and school bus transportation officials.

Defining the Plan:
A highway safety specialist from State and Community Programs met with representatives from Safety Assurance, Traffic Safety Programs, and Chief Counsel to get a full explanation of the problem, what types and extent of awareness activities had been attempted, and what types of materials and resources were available to assist the Regional Offices conduct an intensified effort to get recalled buses fixed. As a result, the highway safety specialist was able to identify the key contributing factors in the injury-producing problem, design a recommended uniform Regional Office approach and assemble an implementation resource kit for each Regional Office. The problem and the proposed countermeasures were defined and communicated in clear terms and the kit contained reproducible materials for easy delivery and use at the State and local levels. The goal was to reach every school system (public and private) that used school buses for transporting students with an urge message to address the handrail problem in a comprehensive manner. However, paramount was the issue of getting recalled buses fixed. Although a strategy approach was recommended, the Regional Offices were given the latitude to design their own approach that fit best with their travel budgets and State assessments.

- **The Problem Defined**

The injury-producing problem has been identified as having 3 key contributing components:

1. Driver inattention to students getting off the bus and moving the bus without realizing a student's clothing may be snagged;

2. Design of students' clothing that have drawstring ends and straps which increase the likelihood of such getting caught on the handrail; and

3. Design of the bus handrail that has too much space at its base and allows drawstring ends to be snagged without the student realizing it before exiting out the bus door.

- **Recommended Regional Office Approach**

1. Regional Staff visits each Governor's Highway Safety Representative and State Director of Pupil Transportation to discuss the 3 issues listed below:

   A Discuss and provide NHTSA video tapes: 1)Video News Release with Administrator Martinez addressing the problem for potential TV news inclusion and 2) TSP produced in-service school bus driver training and school bus inspector training video tapes.

   B Request States to encourage parents and teachers to make students aware of the ends of straps and drawstrings which are susceptible to being caught in the bus handrail. Also, request States to work with Departments of Education and PTAs to check on the status of recall remedies to their school buses. Provide hand-outs and encourage State and local groups to copy and distribute to parents, teachers and bus drivers in public and private school systems.

   C The typical recall remedy to the handrail design problem is to modify the anchor to allow most clothing strings and straps to pass through without getting caught. Provide copies of the bus recall fact sheet. Place significant discussions on the status of the State's school bus fleet getting the recall problem fixed. Request percent estimate of school buses that have not been corrected. Determine if there is a state-wide plan to get the recall notices to all school systems. Determine if there are any recall remedy impediments. Determine if NHTSA can be more helpful in this effort.

2. Regional staff visits a large bus operation in each State. Determine the level of knowledge of problem among the school bus personnel. Determine the extent of corrections being made.

3. Regional staff reports on the States' assessment of their handling of the snagging problem to the AA for State and Community Services by February 16, 1996.

- **Regional Resource Kit**

Each Regional Office received a reproducible kit of materials for State and local use. The kit included:

1. School Bus Recall Fact Sheets that showed manufacturers' recall bus models, phone #,

and bus owners costs (if any);
2. Parent Advisory Notice from Administrator Martinez on the snagging problem;
3. Parent and Teacher School Bus Safety Alert handout on the snagging problem;
4. School Bus Driver Safety Alert handout on the snagging problem;
5. NHTSA produced video tapes for every State on the snagging problem;
6. Illustration of a typical handrail remedy;
7. Inspector's Test String for gauging handrail clearance;
8. Four previous NHTSA news release notices on the problem and recalls;
9. A comprehensive report on the agency's recall actions;
10. NHTSA Hotline Vehicle Owner's Questionnaire for other problems detected;
11. NHTSA customer service (school bus) contact list.

REGIONAL SUMMARIES:

Only highlights of the Regional Offices' and States' accomplishments are mentioned in this part of the report. Detailed descriptions of accomplishments and activities are found in each States' report as provided by the Regional Offices. These detailed reports appear in the appendix.

Region I
The Regional Office feels comfortable with the establishment of the more rigorous school bus safety inspection procedures and the distribution of the NHTSA informational materials in the States of **Connecticut**, **New Hampshire**, and **Rhode Island**. Cooperative briefings have taken place with State officials in **Maine**, **Vermont** and **Massachusetts**, however, the Regional Office believes additional follow-up is necessary to assure that a tragedy does not occur. Extensive Regional Office involvement has found a significant number of buses had not been fixed during random inspections. At one site, 36 of 86 buses had not been corrected. Immediate improvements are in the process in these States.

Region II
The staff reports that they met with officials from various State, local governmental units and pupil transportation organizations and obtained complete cooperation from all parties for taking action to remedy the problem. Plans and actions are in motion to get the educational information to every local bus owner and rider and to assure that proper inspection procedures are in place to detect problem buses. The four jurisdictions - **New Jersey**, **New York**, **Puerto Rico** and the **Virgin Islands** were interested in mapping out strategies for reaching the parents and students. In some cases, the educational materials were printed in Spanish as well as in English. During a random check of buses at a fleet site in **New York**, a staff member found about 50 percent of the buses had not been fixed and he urged that they be corrected as soon as possible. Subsequently, a defective recall bus, from that particular site, was involved a fatal snagging incident. Further details on this incident are in the New York report.

Region III
The Regional Office personnel found the level of knowledge and inspection programs in **Delaware**, **Maryland**, **Pennsylvania**, **Virginia**, and **West Virginia** to be extremely high with regard to the bus snagging problem and preventative efforts. Inspections of handrails had become a part of their State bus inspection programs and random checks verified the quality of their programs. NHTSA's educational materials were welcomed and the videos are being included into in-service school bus driver training courses.

Region IV
NHTSA's representative met with **Georgia** State officials who were fully aware of the problem and were taking steps to insure it corrected the public fleet of 13,000 buses but had not taken any action to assure that private school owned buses were equally safe. It was uncertain which agency should take that task on. Although the State has an annual inspection program which was to include the check on handrails, an inspection of 27 buses revealed 4 with the snagging problem. Eight of the buses had been modified according the manufacturers specifications. A review of State Police records of inspections did not indicate any reports of hazardous handrails.

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Alabama was visited and the NHTSA materials were welcomed for distribution to the locals. The State has an annual inspection program and believes that all recall buses have been fixed. The school superintendent expressed grave concern that with all the driver training and repairs, a 9th grade student's draw string had snagged on the handrail of a 1994 AM Tran bus that was not on the recall list and the rear wheels ran over her.

Kentucky was determined to have an excellent program in operation and fully knowledgeable on the issue. However, the State officials are encouraging the local media to carry the story for good problem preventative efforts. A potential problem does exist with 1988 Wayne buses. The State reports that there is a small gap between the rubber grommet and the handrail which still allows clothing to snag. **Kentucky** has asked Carpenter for a wider grommet for about 200 of these buses which are still in operation around the State.

Mississippi officials appeared very aware of the problem and had alerted local public school system about the problem. The State was confident that efforts to correct all recall buses were well in hand. However, the NHTSA representative observed a 1986 Ward bus that had been retrofitted that failed the string test and a 1986 Carpenter bus needed fixing. The State used the NHTSA PSA for TV coverage on the snagging problem. The State's public school officials do not have jurisdiction over private school buses, however the State Pupil Transportation Director plans to share the NHTSA information kit with the president of the private school association.

North Carolina has an excellent recall remedy rate but had not informed its bus drivers of the snagging problem; nor had undertaken any awareness activities to alert parents or students. After viewing NHTSA's materials, the State decided to make a conscientious effort to inform both drivers and parents. The State will, also, alert the PTAs about the issue. Remedies and awareness among the private school fleet are unknown.

South Carolina reports that it has a 100 percent remedy rate for public school buses but does not know the status of the private school bus fleet.

Tennessee felt that it was in 100 percent compliance with the recall situation and plans to reinforce the level of safety with the use of the NHTSA furnished educational materials.

Florida established a certification process for every school district to ensure that every bus of the 16,000 fleet had been inspected and fixed by January 31, 1996. Although a random inspection of a private school's buses found not problems, the maintenance mechanic had no knowledge of the handrail snagging problem.

Region V

It appears that all of the Region V States (**Illinois, Indiana, Michigan, Minnesota, Ohio,** and **Wisconsin**) have done a good-to-outstanding job of getting the word out to the public and private pupil transportation providers. Each State is disseminating the NHTSA Parents/Teachers Alert in English and Spanish. All State inspection programs have included the "string test" **Ohio** has done an excellent job with its own awareness program but has reported a recent incident in which a student's clothing was snagged (without injury resulting) in a left side exit handrail in a 1991 International Thomas bus.

Region VI

An **Arkansas** official believes that the State has retrofitted all of its problem buses. **Louisiana's** State Pupil Transportation Director was not aware of the large number of recall models and manufacturers. State actions are now in place to get all buses corrected. It is believed that only 25 percent of the affected buses have been retrofitted. A **New Mexico** official reported that handrail compliance rest with the local districts and that the State will pass the NHTSA material along to the locals. In **Oklahoma,** a local pupil transportation director had misunderstood the recall notices and consequently some buses have not received the necessary corrective action required. It is estimated that only 15-25 percent of the buses have been corrected. In **Texas,** the State Pupil Transportation Director was new on the job and was unaware of the snagging problem. The new Director was briefed and she is committed to doing everything to ensure that

the State's fleet of public buses are safe. Through the **Bureau of Indian Affairs**, operations have been set in motion to retrofit all affected buses.

Region VII

Iowa appears well in control of the problem and has agreed to using the NHTSA provided materials to help educate its bus drivers and involve the PAS. The **Kansas** Highway Patrol has an excellent inspection program and believes 100 percent of the affected buses have been corrected. **Missouri** officials reported that they would work closely with the PTA organizations for distributing the NHTSA informational materials to local school districts. Also, the State plans to use the NHTSA video in its in-service inspector's training program. The **Nebraska** Director of Pupil Transportation had not disseminated any information to the local districts about the problem and recall because he said he had no money for such an effort. The Governor's Highway Safety Representative has offered to handle the financial cost for distributing the safety information.

Region VIII

Colorado estimates that 100 percent of the affected buses have been corrected. The State, also, plans to develop a public information program to reach all local school districts. **Montana** had a Ward bus snagging incident last year and became especially interested in correcting all problem buses. The **North Dakota** Highway Patrol will include the handrail inspections in their annual inspection program. **South Dakota** did not know how many buses that may need to be corrected but the State is making certain that the Highway Patrol Inspection Program will catch and require retrofits for all affected buses in their annual July-August inspection. **Utah** State Officials believe that all recalled buses have been corrected and they agreed to sending the NHTSA educational materials to all local school districts. **Wyoming** will encourage all its local school districts to conduct awareness campaigns about the snagging problem.

Region IX

The NHTSA staff interacted with all its States and territories (**American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands**). All jurisdictions except for American Samoa reported not to have found any unsafe buses in their fleets. **American Samoa** is working with the Blue Bird Company to obtain retro-fit kits for eight buses.

Region X

Washington's officials appeared knowledgeable of the problem and felt its inspection program had caught or will catch all buses needing handrail corrections. **Oregon** determined that the Carpenter retro-fit device left a potential hazardous spacing situation and the bus mechanics had to improvise with another device to close the area. **Idaho**'s officials found a similar defective flaw with the retro-fit devices that were provided for Ward buses. **Alaska**'s officials noted that they have been taking corrective action since first being notified about the bus recall problem. Its inspection program is a bi-annual type and is believed to be sufficient for requiring all necessary repairs.

GENERAL OBSERVATIONS

- The regional offices' involvement in the recall effort appears to have stimulated re-newed interest in some States and in other States established a concentrated effort to controlling the snagging problem.

- The NHTSA awareness print materials for bus drivers, teacher, parents and students were well received. The strategy for having all hand-outs in photo-copy quality with instructions on them to "copy and distribute" appears to have been successful for wide spread distribution in a cost effective manner.

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- The NHTSA video tapes are being used in news coverage opportunities and in States school bus driver and inspector in-service training programs.
- An AmTran Corp/Ward 1994 model bus was involved in a snagging-injury in Alabama and the bus was not on the agency's recall list
- An unreported Ward bus snagging incident occurred in Montana last year.
- An International Thomas bus was reportedly involved in a near-snagging incident in Ohio. The student realized his clothing was caught in the left side exit handrail before the bus driver moved the bus forward.
- The "string-nut test" has become widely adopted by the States' inspectors of school buses.
- Ward and Carpenter buses retro-fit kits appear inadequate for safe remedies on some models.
- There does not appear to be an ideal or standard method for reaching private school bus owners and their maintenance personnel with safety messages.
- Some State Pupil Transportation Directors have proven not to be effective for transmitting safety data and concerns as NHTSA may have thought earlier. Our survey showed weakness in some directors' abilities to properly understand safety communications and to disseminate critical information to local school districts. Some directors cited the failure for not notifying locals on not having a budget to cover the costs. None appeared to have a relationship with non-public school bus systems or fleet managers.
- If manufacturers are sending recall information to its list of owners, their owner locator system, notification methods and content of the messages may need to be reviewed to ensure that reasonable means are attempted to communicate the problem and remedies.

April 2, 1996

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SCHOOL BUS HANDRAIL ACTIONS

NHTSA

The National Highway Traffic Safety Administration (NHTSA) is an agency within the U.S. Department of Transportation. NHTSA is responsible for highway safety programs and vehicle safety. One part of this mission is the assessment of safety related defects in motor vehicles and items of motor vehicle equipment. NHTSA's Office of Defects Investigation (ODI) conducts investigations to assess alleged safety related defects and, if necessary, order recalls if a safety related defect is found. During 1993 ODI investigated whether a safety related defect exists in school buses equipped with handrails that could snag children's clothing. This document presents actions taken by NHTSA offices and other organizations concerned about this issue.

ACCIDENTS

ODI is aware of six fatal accidents and many more non-fatal accidents which have occurred as a result of students snagging clothing, book bags, and other items on the handrail as they exit school buses. A list of the fatal incidents is presented in Table 1. A summary of the incidents that ODI is aware of is presented in the appendix. The office is also aware of a small number of accidents involving snagging on bus equipment other than handrails, such as the door; one of these involved a fatal injury. They are also reported in the appendix. Some of these incidents have not been verified, but were reported to ODI through different channels.

Table 1. List of Fatal Incidents			
Location	**Date**	**Bus Make**	**Model**
Raleigh Co. WV	Apr 1991	1983 Blue Bird	All American Forward Control, Type D
Westport, CT	Dec 1991	1990 Thomas Built	Saf-T-Liner, Type D
Markesan, WI	Nov 1993	1991 Thomas Built	Conventional, Type C
Paradise Valley, AZ	Apr 1994	1987 Blue Bird	Conventional, Type C
Beaver Creek, OH	Feb 1995	Wayne Corp.	Conventional, Type C
Westchester Co.,NY	Feb 1996	Am Tran	Conventional, Type C

ACCIDENT INVESTIGATIONS

The following investigations have been conducted by NHTSA's special crash investigation staff. Reports are available for each of these through Richard Reed, (202) 366-5394

1- CA91-17: 12/91 - 8 yr old CT girl is killed after drawstring snags in hand rail. 90 Thomas Class D

2- DS92-11: 12/92 - 7 yr old IN girl is dragged 1656' after drawstring snags. 91 Blue Bird Class C

3- DS93-02: 1/93 - 10 yr old PA girl is dragged 1083' after drawstring snags in hand rail.89 Blue Bird Class D

4- DS93-20: 11/93 - 9 yr old WI girl killed after drawstring snags in hand rail. 91 Thomas Class C

5- IN93-04: 4/91 - 12 yr old MO girl is dragged and arm run over after drawstring snags. 86 Ward Class C

6- DS94-08: 4/94 - 12 yr old AZ girl is killed after canvas backpack strap snags. 87 Blue Bird Class C

7- CA95-07: 11/94 - 9 yr old OH girl dragged 150' after drawstring snags. Fractures to right arm & shoulder. Thomas Class C

8- CA95-05: 2/95 - 13 yr old OH girl killed after drawstring snags. Wayne Class C

9- CA95-06: 3/95 - 12 yr old OH girl dragged 175' after drawstring snags. Blue Bird Class D. This vehicle was remedied, but the drawstring caught in a different place on the modified handrail.

10- DSI-96-SB-02 2/96 14 yr old NY girl dragged and killed after drawstring snags on Am Tran/Ward vehicle which was NOT modified.

_____Non-handrail snagging investigations _____

1a- IN93-03 - 5 yr old MO boy dragged after arm caught in doors. Blue Bird Class D

2a- CA95-14: 5/95 - Kansas City, MO incident where a boy's coat string caught in the door sill. He was dragged and run over - fatal injuries.

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ODI INVESTIGATION AND RECALLS SUMMARY

Recall No.	Manufacturer	Population	Manufacture dates	Phone Number	Cost	Models
95V-120	A. Gerstein Inc.	186	1/89-12/94	(819) 477-3222	None	MB11 & SV1000
93V-032.002	AmTran Corp. / Ward	This recall is superseded - See 96V-047				
96V-046	Am Tran Corp. / Ward	2,650	1986-1996	(800) 843-5615	None	'86-'96Volunteer '86-'91 Patriot w/ Outward Opening Doors
96V-047	Am Tran Corp. / Ward	14,900	1986-1996	(800) 843-5615	None	'96 AmTran RE '86-'96Volunteer '86-'91 Patriot
96V-048	Am Tran Corp. / Ward	3,800	1991-1996	(800) 843-5615	None	Genesis
93V-032.000	Blue Bird	This recall is superseded - See 95V-090				
95V-090	Blue Bird	17,189	3/80-5/95	(912) 825-9608	None	TC2000 & AA
95V-150	Blue Bird	2,557	9/94-9/95	(912) 825-9608	None	TC2000, AA, SBCV, MBWB, GPWB, VCTA, & GWCV
95V-187	Blue Bird	14,000	8/79-7/88	(912)-825-9608	None	SBCV (conventional)
96V-012	Blue Bird	127	8/95 12/95	(912)-825-9608	None	
None	Bus Body Builders	These buses did not have a handrail recall		(419) 221-2514	[redacted]	
93V-032.003	Carpenter Mfg Corp.	This recall is superseded - See 96V-042				
96V-042	Carpenter Mfg. Corp.	20,950	5/15/90 - 11/6/95	Tonya Thomas (317) 965-4132	None	Classmate, Cadet, & Classic
96E-007	Carpenter Mfg Corp	1,415	This recall covers the replacement of kits sold to owners of Wayne Corp and supplied to owners of Carpenter Body Works buses. Installation of the previous kits resulted in a potential snag point. These kits remove that condition.			
None	Carpenter Body Works	This company is out of business. The parts to remedy these buses are available at no cost to the owners from Carpenter Manufacturing Inc. Contact your local Carpenter dealer or call Tonya Thomas @ (317) 965-4132. Parts acquired prior to March 12, 1996 should be removed and replaced with newer parts now available from Carpenter (Ref 96E-007)				
93V-032.005	Coach and Equipment Corporation	3,000	1/80-12/92	(315) 536-2321	None	Fortress & Fortress
93V-032.006	Collins Bus Corporation	2,833	11/85-5/93	(316) 662-9000	None	Bantam
93V-032.007	Gillig Corporation	179	12/86-6/93	(510) 785-1500	None	Phantom

Recall No.	Manufacturer	Population	Manufacture dates	Phone Number	Cost	Models
None	Mid Bus	These buses did not have a handrail recall		(419) 221-2525	[redacted]	
93V-032.008	US Bus Mfg. Inc (formally Starmccrp)	3,690	1/80-12/93	(914) 357-2510	None	Starbrite & Starbus
None	Shuttle-Globe (Superior)	Superior brand buses have been manufactured by several companies. Pre 1982 vehicles made by Shuttle-Globe have handrails which can snag drawstrings. Other Superior buses may have similar problems. Fleets need to inspect all Superior buses, and take appropriate action to remedy these buses where needed. ODI has opened PE95-059 to investigate.				
93V-032.001	Thomas Built	97,000	4/77-1/93	(910) 889-4871	None	Type A, B, C, & D (Rear Side Handrail)
96V-054	Thomas Built	4,500	4/77-1/92	(910) 889-4871	None	Type A, B, C, & D (Forward Side Handrail)
93V-032.004	Van-Con Corp	766	1/80-12/92	(908) 356-8484	None	Type A
None	Wayne Wheeled Vehicles	These buses did not have a handrail recall		(800) 860-9296	[redacted]	
None	Wayne Corporation	This company is out of business. These buses need to be remedied by the owners, fleets, local government, etc. Parts for repairing these vehicles are available from Carpenter at a minimal cost. Contact your local Carpenter dealer or call Tonya Thomas @ (317) 965-4132. Parts purchased prior to March 12, 1996 should be removed and replaced with newer parts now available from Carpenter (Ref 96E-007)				

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NHTSA AND OTHER ORGANIZATION ACTIONS

NHTSA ACTIONS:

The following presents the major NHTSA communications which have occurred during the past several years. These actions were generated in NHTSA's Office of Public and Consumer Affairs (OPACA), Traffic Safety Programs (TSP), Research and Development (NRD), State and Community Services (NSC), and ODI.

1991

Dec 1991	NHTSA is notified and investigates a child pedestrian fatality in Connecticut. Several contributory factors cause the incident including the drawstring.

1992

Dec 1992	NHSTA is notified of and investigates a second drawstring incident in Indiana - non-fatal

1993

Jan 1993	NHSTA is notified of and investigates a third drawstring incident in Pennsylvania - non-fatal
Early 1993	ODI sends letters to all the manufacturers listed in Table 2 to determine if their school bus handrail designs were prone to snagging clothing.
January 29, 1993	TSP letter to State school transportation officials warning of handrail snagging problems on school buses, especially Type D buses.
March 2, 1993	TSP letter to State school transportation officials warning of handrail snagging problems in ALL school buses
March 10, 1993	U.S. Department of Transportation News Release, Headline "NHTSA WARNS OF SCHOOL BUS DANGERS INVOLVING SNAGGED CLOTHING"
May 1993	ODI staff meets with Ohio school bus personnel at the state's annual meeting in Columbus, Ohio. Information presented on handrail investigations.
August 1993	NHTSA staff makes presentation at 1993 Western States Regional meeting of school bus operators and state pupil transportation officials concerning handrail investigations and recalls.
November 1993	NHTSA is notified and investigates a third fatality related to drawstrings - Wisconsin. This type bus had just been recalled but the bus had not yet been remedied.

1994

March 1994	NHTSA is notified and investigates a fourth fatality related to snagging in Arizona. This type bus was not the subject of a recall but had been investigated by ODI.
April 7, 1994	ODI letter to all 50 State Pupil Transportation Directors alerting of safety concern and letting state officials know that old Wayne Corp. buses would not be recalled since the company had gone out of business.

August 8, 1994	U.S. Department of Transportation News Release, Headline "DEPARTMENT OF TRANSPORTATION CAUTIONS ABOUT SNAGGED CLOTHING ON SCHOOL BUSES"
August 1994	NHTSA staff makes presentation at 1994 Western States Regional meeting of school bus operators and state pupil transportation officials concerning handrail investigations and recalls.

1995

Early 1995	NHTSA convenes school bus group to address problem. NHTSA staff from Office of Chief Counsel, TSP, OPACA, ODI, and Safety Performance Standards participate in group. Actions to inform state inspectors was considered an important objective.
March 1995	NHTSA is notified and investigates a fifth fatality related to snagging - Ohio.
March 1995	NHTSA's Atlanta regional staff makes presentation at National Safety Council meeting discussing issues.
March 24, 1995	TSP sends handrail information to Emergency Medical Services personnel of NHTSA's handrail concerns.
April 4, 1995	Senator DeWine presents information on handrail snagging on the Senate floor.
April 12, 1995	NHTSA contract employee made presentation at the Western New York Chapter of the New York Association of Pupil Transportation regarding the hazards of garment drawstrings on school buses. Well received.
April 13, 1995	NHTSA staff make presentation to Senator DeWine's staff regarding handrail snagging activities at NHTSA.
April 1995	TSP sends electronic message to law enforcement officials explaining handrail concerns and asking that they inspect for the possibility of drawstrings snagging in handrails.
April 1995	TSP informs Northeast regional law enforcement agencies of the school bus handrail concerns at regional meeting.
May 9, 1995	NHTSA News Release warns about risk from snagged clothing on school bus handrails.
May 11&12 1995	NHTSA issues a Video News Release (VNR) on the subject of handrail snagging.
May 23, 1995	TSP/NSA sent letters to all state pupil transportation directors warning of handrail snagging with copy of VNR.
May 23, 1995	TSP and NPS attended Twelfth National Pupil Transportation Standards Conference. Two NHTSA staff are members of ad hoc committee formed to address snagging issues.
June 6, 1995	TSP/NSA sent letters to all state vehicle inspection supervisors warning of handrail snagging with copy of VNR.

July 10-11, 1995	NHTSA contract employee made presentation at the New York Association of Pupil Transportation regarding the hazards of garment drawstrings on school buses.
July 1995	NSA letter to several school bus related associations discussing handrail snagging issues and distributing a copy of the VNR.
July 18, 1995	TSP member attended and presented information to the Southern Regional Pupil Transportation Conference concerning handrail issues
July 26, 1995	TSP members attended and presented information to the Western Pupil Transportation Conference concerning handrail issues
Aug 95	Senator DeWine held hearings in Ohio to study handrail safety. NHTSA testified at the hearings. Based on requests from the Senator, NHTSA developed additional actions for handrail safety, consisting of: 1. Development of additional training material; 2. Attending more conferences to "get-out-the -word" on handrail safety; 3. Having manufacturers renotify the owners of non-repaired vehicles that they should get them fixed; and 4. Visiting all the states.
Fall 95	TSP and Law Enforcement Television Network (LETN) developed a 18 minute video on handrail issue. Over 700 have been distributed.
Sept 1995	TSP and NSC released Pedestrian School Bus Safety Program that emphasized handrail snagging problems
Nov 1995	TSP and NPS attended and presented information at the National School Bus Safety conference in Orlando, Fla concerning handrail issues
End of 95	During a 5 month period, ending Feb 96, NSC visited all states and discussed handrail issues with safety officials. This was a major undertaking, consisting of: 1. NHTSA staff visited all states; 2. NHTSA distributed materials, including test kits, information packets, and videos; 3. NHTSA visited at least one fleet in each state to inspect buses and assess the status of the handrails in that fleet; and 4. NHTSA established a state-wide strategy with state officials for correcting unsafe buses.

1996

March 1996	NSC distributed updated recall list from the region offices to their state contacts.
March 1996	NSA contacted National Association for Independent Schools. They published material on handrail snagging in their Jan 1996 newsletter.
April 2, 1996	Senator DeWine held additional hearings on school bus safety. NHTSA testified on recent activities related to handrail snagging.
PLANNED	
April 1996	NSA and TSP to contact Associations responsible for private fleets. The NSC determined that many of the private fleets were not being contacted by the manufacturers and thus their vehicles were not being fixed

April 1996	NSA to contact the National Association of State Directors of Pupil Transportation Services. The NSC determined that some of NASDPTS members were not disseminating information to all the end users. This is important since this organization has been used by NHTSA to "get the word out" on school bus issues.
April 1996	Present Carpenter Manufacturing Corp a Lifesavers award for their company taking action to supply repair kits for Wayne Corporation Buses and Carpenter Body Works Buses. These vehicles were manufactured by companies which are no longer in business, hence there is no company to conduct a recall.
April 1996	TSP is translating the handrail handouts used by the regions to Spanish.
April 1996	Handrail issues will be discussed at the Lifesavers workshop on school bus safety

OTHER ACTIONS OUTSIDE NHTSA:

School Transportation Director published an article on handrail snagging. They indicated that the VNR was available from NHTSA. (Circa June 95).

NSTA, *Washington Update*, published an article on handrail snagging. They indicated that the VNR was available from NHTSA (June 1995).

Transporting Students with Disabilities published an article on handrail snagging. They indicated that the VNR was available from NHTSA (Circa June 1995).

The School Bus Standards meeting held May 1995, met in committee to discuss handrail snagging issues. They will be considering the entire handrail problem, and developing solutions to aid in the elimination of handrail snagging. New handrail designs, not prone to snagging, were discussed (Circa May 1995).

The National Safety Council has reviewed the handrail issue.

Consumer Product Safety Commission: CPSC has looked into this problem. They feel the problem is not limited to the design of handrails, and may also require changes in clothing styles. In 1994 CPSC considered rulemaking to eliminate the potential hazard of clothing strings. Clothing manufacturers have voluntarily removed neck drawstrings from children's outer garments.

ASTM: An ASTM standard committee was convened to set a standard for reintroducing neck strings which were safe. This committee is still working on this action. The committee did not consider waist draw strings in this action.

American Clothing Manufacturers: Through efforts of the CPSC, American clothing manufacturers are considering changing children's clothing to eliminate strings and/or string stops.

Inside Edition: Inside Edition ran a story on school bus handrail snagging.

School Transportation News editor, Bill Paul, publishes a full page editorial on the subject of handrail snagging. This publication has wide circulation to all school transportation officials. (Undated circa mid-1994) Mr. Paul published a second article on this subject in 1995.

News Advisory from Wayne Wheeled Vehicles indicating that the new Wayne Company is producing replacement handrails and modification kits for the old Wayne Corp buses. (Undated)

FAX ALERT from the State of Connecticut alerting state inspection officials that handrails can snag student's clothing; and issuance of a inspection procedure for use in Conn. (Undated, circa 1993-1994)

Jan 1996- National Association of Independent Schools published an article on handrails in its Jan 96 news letter.

Feb 1996- Oprah television talk show includes segment on Handrail snagging as part of a safety orientated show.

Appendix. Summary of known bus accidents where the victim's clothing or other article was snagged on handrail.

Ref	Location	Bus Make	Door Type	Bus Height	Date	Injury	Details	File
1	Greensburg, PA (near Pittsburgh, was Portland)	1990 Wayne	bi-fold	66 pass conv	Jan 23, 92	no	Dragged 4-6 ft	CDI #32584 & Dan Farrel SD Trans. Dir
2	Lancaster Co., PA	1989 Blue Bird	bi-fold	TC 2000	Jan 14, 93	Yes	Dragged 1383 ft	NCSA Case 081-93-SD-002
3	Henry Co., IN	1991 Blue Bird	bi-fold	TC 2000	Dec 9, 92	Yes	Dragged 1656 ft	NCSA Case 081-92-SD-011
4	Raleigh Co., WV	1983 Blue Bird	bi-fold	AAFE Trans	Apr 17, 91	Yes, FATAL	Fell under rear wheels	CDI #32617 & Richard Mann SD Trans. Dir
5	Westport, CT	1990 Thomas Built	bi-fold	Saf-T-Liner	Dec 91	Yes, FATAL	Dragged and fell under rear wheels	Coleman Case no. 91-17
6	Wilmington Area SD, New Castle, PA	Thomas BF Int. Chas.	bi-fold	71 pass conv	Feb 27, 92	Yes	Clothing caught	Dana Clip & Peggy Ingle Spatiality Mfg.
7	Laurel Highlands, PA	1988 Thomas Ford Chas.	bi-fold	65 pass Conv	Jan 27, 92	Yes, NOT fatal	Not confirmed as snag- may have slipped-drug & run over	Dana Clip & Peggy Ingle Spatiality Mfg.
8	Bellingham, WA	Blue Bird	bi-fold	TC 2000	May 92	Yes	Caught clothing on door or HR, drug 100 ft	Peggy Ingle Spatiality Mfg. & Dan Carrington, WA State Dir
9	St. Louis, MO	86 Int. Chas.	bi-fold	conv 30 pas	Apr 4, 91	Yes, intercity accident, ara run over	Draw String caught in handrail-hub opened	NCSA Case IB 93-06
10	Fulton Co., GA	1987 Ward	bi-fold	Conv	circa 90	No	caught in door-slipped coat off	Steve Monroe
11	Fulton Co., GA	1988 Thomas	bi-fold	Conv	Jan-Feb 93	No	drug 2-3 ft	Steve Monroe
12	Vadnais, MN	91 Carpenter	out-ward	Conv	1993	No	Caught in handrail-driver saw before driving away	VSN #55108
13	NY City	Wayne BA International	out-ward		Dec 25, 92	Yes	Caught in handrail-drug child	phone call from Jim Brown
14	Farmington, NH	'85 Ward	bi-fold	Conv		Yes- non fat	Caught coat string in rail, pulled under bus, run over	Call to Buddy Harris
15	Elyria, OH	'87 Ward International chassis	bi-fold	Conv	circa 1993	No	Saw snag prior to driving away	Letter from Georgia Carter, Driver
16	Hartsboro, VT	'91 Thomas, Chevrolet chassis	out-ward	Conv	Nov 1993	Yes-FATAL	String caught in door, drug, vehicle not recovered	Newspaper
17	AZ	87 Blue Bird		Conv	Mar '6, 94	Yes-FATAL	Book bag caught in door	Phone report NCSA case 0594-08

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Appendix. Summary of known bus accidents where the child's clothing or other article was snagged on handrail.

Ref	Location	Bus Make	Door Type	Bus Model	Date	Injury	Details	File
18	Carrboro, NC	IH Thomas, Ford chassis	bi-fold	Conv	Nov 1994	Yes-arm/ shoulder	string caught in handrail, only realize in front not reported	Sgt Pare, CHP NCSA case CA95-07
19	Beaver Creek, OR	Wayne		Conv	Feb 1995	Yes-FATAL	string caught in handrail, somehow out of backpack - no recall action	Sgt Pare, CHP NCSA case CA95-08
20	Cincinnati, OH	Blue Bird		Trad	Mar 1995	Yes-ankle	string caught in handrail, realize reembedrstring caught on bottom side of rail	Sgt Pare, CHP NCSA case CA95-06
21	Beaver Creek, OR	1994 Carpenter		Conv	Mar 95	No	Beading caught on handrail on exit from bus	VOR #43697
22	NJ				Dec 1, 95	Yes- thigh leg	Draw string caught in handrail, 13 yr old girl received bad leg from rear wheels	CPHC report
23	Alexandria Campus, elementary				Nov 1995	yes drag a ft	6 yr old drawstring caught. Bus pulled forward 6 ft	STN July 1995, pg 6
24	Asbury Park, NJ area				Feb 1995	none	Drawstring got caught. 2 yr old dragged everything and got cost off	STN July 1995, pg 3
25	Westchester Co, NY	Gafner/Ward		Conv	Feb 6, 96	Fatal	Draw string caught in handrail, 15 yr old drug and run over by rear wheels	Region 2 report (96-02)
26	Alabama	94 Gafner			1995	yes	Drawstring snagged on rear hub	Region 4 report
27	Woodford Co, KY	yes			Jan 25, 96		Drawstring cried itself in a knot around handrail - result not received	Region 4 report
28	Jefferson School, Osborne, IN	91 Thomas		conv	Feb 1, 96	none	Drawstring caught in forward handrail - new previous area	Region 5 report & VOR 162558
29	Kenosha School District, WI	Not confirmed some 94 Thos or 93 Wayne			1994		handrail snagging	Region 5 report
30	Prince Georges Co, MD	Wayne	bi-fold	conv	1996	none	Drawstring cried itself in a knot around handrail - result not received - bus had been fitted.	Letter from MD Dp Transportation director - Ken Sawood
31		Collins		spec type	1996		Drawstring caught in handrail - child drug 30 ft	Dan Blackwell VP Lantern (703) 334-7737
32	Yoke	89 Blue Bird TC2000		Trad	1996	none	string on book bag caught in forward side handrail	VOR 162558
33	Yoke	89 Blue Bird TC 2000		Trad	1996	none	string on backing caught on forward side handrail	VOR-162558 (second reissue)

Appendix. Summary of known bus accidents where the child's clothing or other article was snagged on handrail.

Ref	Location	Bus Make	Door Type	Bus Model	Date	Injury	Details	File
34	Sahuarita Jefferson Schools, AZ	Thomas Saver		Conv	2/1/96	none	String got caught on forward handrail. Driver opened door after student yelled	VOR 181628
1a	Whitemarsh, MD					Yes	Caught arm in door	Peggy Inglis Dunaway Mfg.
2a	Laurelle, MD				Nov 92	Yes	Caught arm in door	
3a	Fenton, MO	87 Blue Bird	bi-fold	Added rail owner?	Nov 28, 91	Yes, slight bruise	Arm caught in doorway bus moved	NCSA Case # 93-03
4a	Belvidere Schools IL				Jan 31, 95	Yes- Cut & abrasion on chin	Clothing caught in door	Report in STN
5a	Tolland, CT				Mar 31, 93	Yes	Clothing caught in door, 11 yr old girl drug 700 ft until passing car stopped bus driver	CPHC report
6a	Lenoir City, TN	93 ap from / Wayne	bi-fold	Conv	May, 95	Yes-Fatal	String caught in door sill, drug under bus, run over by rear wheels.	NCSA Case CA no. 95-16
7a	Michigan				1996	scratched and bruised	Mitten got caught in door- young girl drug until string broke	WDIV-TV Detroit via Dan Lampar
8a	Leominster, MA	91 Navistar chassis		conv	Mar 95	drug 250 ft	Drawstring caught on door. Door closed and student drug 250 ft. Driver stopped after kids yelled.	Region report

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U.S. Department of Transportation

News:

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NHTSA 58-95
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TOP TRAFFIC SAFETY OFFICIAL WARNS ABOUT DANGEROUS SCHOOL BUS HANDRAILS

With the new school year about to begin, the nation's leading traffic safety official underscored his concern about a hidden safety problem in some school buses that could put youngsters at risk for injury or death.

Ricardo Martinez, M.D., head of the National Highway Traffic Safety Administration (NHTSA), said that five students since 1991 have been killed and others injured when clothing, especially coat drawstrings, got snagged in handrails as they stepped off school buses. They were dragged and subsequently run over as the school bus moved forward.

Dr. Martinez said school buses manufactured by A.Girardin, Inc., AmTran/Ward, Bluebird, Carpenter, Coach and Equipment Co., Collins Bus Corporation, Gillig Corporation, Sturdicorp, Thomas Built Buses and Van-Con, Inc. were recalled to change the handrail designs and make them less prone to snagging.

"But it is not enough to have a recall. Someone needs to make sure that the repairs actually are performed. As of last school year, many had not been done," Dr. Martinez said.

According to NHTSA, some buses made by the Wayne Corporation also are prone to snagging and must be fixed. "This firm is no longer in business and will not be contacting bus owners. Owners of these buses must find and install remedies on their own initiative, and I cannot overemphasize how important it is to do so," Dr. Martinez said.

He said he hoped that transporation authorities at school districts throughout the United States used the summer slack time for buses to install the handrail modifications and added to school bus driver training programs information to deal with the problem. At least two states, Connecticut and Ohio, developed inspection tools for identifying potentially hazardous handrails.

Dr. Martinez urged parents to insist that any buses that need the modifications actually have the repairs performed and that children know about the risk from drawstrings. "Dangling drawstrings are dangerous. I recommend parents call school administrators and ask if there is a program to make students aware of the danger from dangling drawstrings and whether the handrails on affected buses from their schools have been fixed," Dr. Martinez said.

(Assignment editors: A video news release will be transmitted by Daily Business Satellite at 2:30 to 3 p.m. Eastern Aug. 29. Coordinates: Galaxy 3, Transponder 16; Downlink frequency, 4020 Mhz; Audio, 6.2 and 6.8. It will be transmitted again at 11 to 11:30 a.m. Eastern Aug. 30. Coordinates: Galaxy 3, Transponder 19; Downlink frequency, 4080 Mhz; Audio, 6.2 and 6.8.

An electronic version of this document can be obtained via the World Wide Web at: http://www.dot.gov/affairs/index.htm

FOR IMMEDIATE RELEASE
Tuesday, May 9, 1995

NHTSA 27-95
Contact: Barry McCahill
Tel. No.: (202) 366-9550

NHTSA WARNS ABOUT RISK FROM SNAGGED CLOTHING ON SCHOOL BUS HANDRAILS

The National Highway Traffic Safety Administration (NHTSA) today issued its third warning that school bus handrails can catch loose clothing, jackets, jacket strings or book bags while children disembark, and this can result in a child's being dragged and killed as the bus is driven away.

According to NHTSA Administrator Ricardo Martinez, M.D., five children since April 1991 have been killed and others have been severely injured when their clothing or book bags snagged on the handrail while getting off the bus. The children were dragged alongside the vehicle and many were run over by the bus wheels after the drivers closed the door and drove away. The latest fatality occurred in Ohio in February.

"We consider school bus handrail snagging a significant problem and will continue to search for ways to prevent these tragic events. Approaches to redesign developed by manufacturers will help, but ultimately drivers and other adults must recognize that extreme caution is absolutely necessary every time a child disembarks from a school bus. Like many other injuries, these are preventable," Dr. Martinez said.

NHTSA first expressed concern in 1993 and repeated a warning last year. The safety agency conducted 14 investigations of U.S. school bus body manufacturers to determine if their handrails pose snagging problems. Nine companies subsequently conducted safety recalls to change the handrail designs and make them less prone to snagging. Safety recalls were conducted by AmTran/Ward, Blue Bird, Carpenter, Coach and Equipment Co., Collins Bus Corporation, Gillig Corporation, Sturdicorp, Thomas Built Buses and Van-Con, Inc.

NHTSA determined that other buses, except for those built by the Wayne Corporation, had handrail designs which were not prone to snagging.

Dr. Martinez said that some buses built from 1979 to 1992 by the Wayne Corporation of Richmond, Ind., had handrails that are prone to snag drawstrings, and that these vehicles will not be recalled because the Wayne Corporation is out of business. He urged owners to inspect them and make necessary repairs. "School bus fleet operators must ensure that necessary changes have been made to all affected vehicles, regardless of who manufactured the vehicle," Dr. Martinez said.

Currently, dealers for Wayne Wheeled Vehicles of Marysville, Ohio, a separate company, sell at a nominal cost components to repair handrails on Wayne Corporation buses, but parts are expected to remain available only for a short period.

Since most states require school bus fleets to be inspected annually, Dr. Martinez suggested that inspection teams examine handrails to see if their designs lend themselves to

snagging. He also suggested that school bus driver trainers incorporate handrail inspections into their syllabus and that drivers make it a point to see children safely away from the bus before moving forward.

The handrails, also called grabrails, are located inside school buses, on both sides of the stepwell. Snagging occurs when a clothing part, such as the toggle on the end of a drawstring, gets wedged and caught between the wall of the bus and the lower, angled end of the handrail. Manufacturers' remedies range from redesigning the handrail to inserting a rubber "standoff" between the wall and the end of the handrail.

Additional information about school bus recalls is available by calling NHTSA's toll-free Auto Safety Hotline, (800) 424-9393. The agency also has a video news release on the subject available for television stations, schools and others who would like to inform the public about this safety concern. The video news release is available from the NHTSA Office of Public and Consumer Affairs, (202) 366-9550.

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FOR IMMEDIATE RELEASE
Monday, August 8, 1994

NHTSA 49-94
Contact: Barry McCahill
Tel. No.: (202) 366-9550

DEPARTMENT OF TRANSPORTATION CAUTIONS ABOUT SNAGGED CLOTHING ON SCHOOL BUS HANDRAILS

Secretary of Transportation Federico Peña today cautioned school officials, bus drivers and students alike that drawstrings, clothing and backpacks can be snagged on school bus handrails as children exit the bus, and that the school bus driver may not notice the potential hazard until it is too late.

"Four children have died needlessly since April 1991 after getting parts of their clothing caught in handrails as they got off their school buses. Thinking the students were safely off the bus, the drivers pulled away not knowing that the children were tethered to the handrail. The victims were dragged by the buses until they fell under the wheels. We must do all we possibly can to avoid this type of tragic mishap," Secretary Peña said.

Investigations by the department's National Highway Traffic Safety Administration (NHTSA) led to nine school bus manufacturers' conducting safety defect recalls during which they modified handrails to reduce the risk to children leaving the buses. Recalls were conducted by AmTran/Ward, Blue Bird, Carpenter, Coach and Equipment Co., Collins Bus Corporation, Gillig Corporation, Sturdicorp, Thomas Built Buses and Van-Con, Inc.

"Manufacturers cannot eliminate 100 percent of the risk with vehicle modifications," Secretary Peña said. "Children who carry backpacks and wear loose-fitting clothes or clothes with drawstrings still will run some risk of snagging themselves as they depart." He urged parents and school administrators to teach children about the potential hazard and asked school bus drivers to be especially vigilant as students exit their buses.

School buses remain one of the safest forms of transportation in the United States, and most serious incidents occur as children are approaching or leaving their buses, according to NHTSA. About 23 million children ride more than 18 million miles in public school buses each school day.

FOR IMMEDIATE RELEASE
Wednesday, March 10, 1993

NHTSA 12-93
Contact: Barry McCahill
Tel. No.: (202)366-9550

NHTSA WARNS OF SCHOOL BUS DANGERS
INVOLVING SNAGGED CLOTHING

The National Highway Traffic Safety Administration (NHTSA) today warned school bus drivers, parents and children about the dangers of children being dragged by the bus after their clothing is snagged while exiting.

During the past year, the agency has learned of several serious incidents, including two fatalities, involving full-size school buses. In each incident, a child leaving the bus snagged an article of clothing or part of a bookbag in the handrail on the right side of the stairway to the bus entrance door. The door was closed before the child had a chance to re-enter the bus to free the clothing or bag. The bus then dragged the victim as it pulled away from the stop.

NHTSA has notified all the state directors of pupil transportation of this potential danger to school children. Officials were asked to make drivers aware of these incidents and to be especially cautious, particularly at stops where there are no adults to help supervise the off-loading of students. The safety agency said that caution is particularly important during winter months when children wear bulky clothing which can be snagged more easily.

In addition, NHTSA requested detailed information from the major school bus manufacturers to determine the scope of this problem and how to prevent it. The agency has opened investigations of buses constructed by Blue Bird Company and Thomas Built Buses to determine if there is a safety defect.

NHTSA stressed that the overall safety record of school buses is excellent. Most serious incidents occur when children are approaching or leaving the bus, and are struck by the bus or by another vehicle. Each school day, about 22 million children are transported more than 1.8 million miles in school buses.

SCHOOL BUS SAFETY ALERT

SCHOOL BUS DRIVERS

Children's Clothing Gets Caught When Exiting School Buses

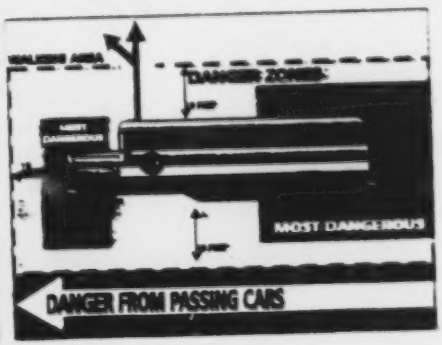
Across the U.S., children are being injured or killed when their clothing is caught in the bus handrail, door, or other equipment, and they are dragged by the bus.

Jacket or sweatshirt drawstrings, backpack straps, scarves, or other

Your vigilance can prevent a tragedy.

Remember these loading & unloading safety rules:

- ✔ Watch for children with long drawstrings, loose clothing, or other items that may become caught in handrails.
- ✔ Make sure your bus handrail is not attached to the bus at such an angle that it can easily catch a drawstring. Check with your supervisor to determine if your bus has been recalled. Defective handrails should be corrected immediately.
- ✔ To assure safety, at each stop, monitor the children as they exit your bus. If you are unable to account for a child outside the bus, secure the bus & check both around & underneath the bus.
- ✔ Never move the bus until you are positive all children are safely out of the Danger Zones.
- ✔ Count children as they exit the bus. If you lose count of a child outside the bus, shut the bus off, secure it, & check underneath.
- ✔ After each stop, carefully scan the entire area before moving. Be alert for any warnings (from bystanders, teachers, or motorists outside the bus or student inside the bus) as you pull away from the bus stop.



PSA
People Saving People

Please copy & distribute

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Parents & Teachers
School Bus Safety Alert

A child's clothing can be dangerous when getting off the bus.

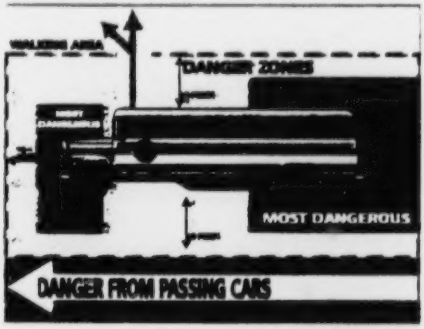
A number of children have been injured or killed when their clothing became caught when exiting the bus.

Dangerous clothing that can get caught in handrails, doors, or other areas includes:

- ✔ Jackets or sweatshirts with drawstrings
- ✔ Backpack straps
- ✔ Scarves or other loose clothing

Please talk with your children about these Safety Rules:

- ✔ Stay away from Danger Zones around the bus.
- ✔ If you drop something near the bus, don't pick it up. The driver may not see you. Tell the driver & follow his/her instructions.
- ✔ Remember that motorists don't always stop for the school bus. Use extreme caution when getting on or off of the bus.



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U.S. Department of Transportation

News:

Office of the Assistant Secretary for Public Affairs
Washington, D.C. 20590

PARENT ADVISORY

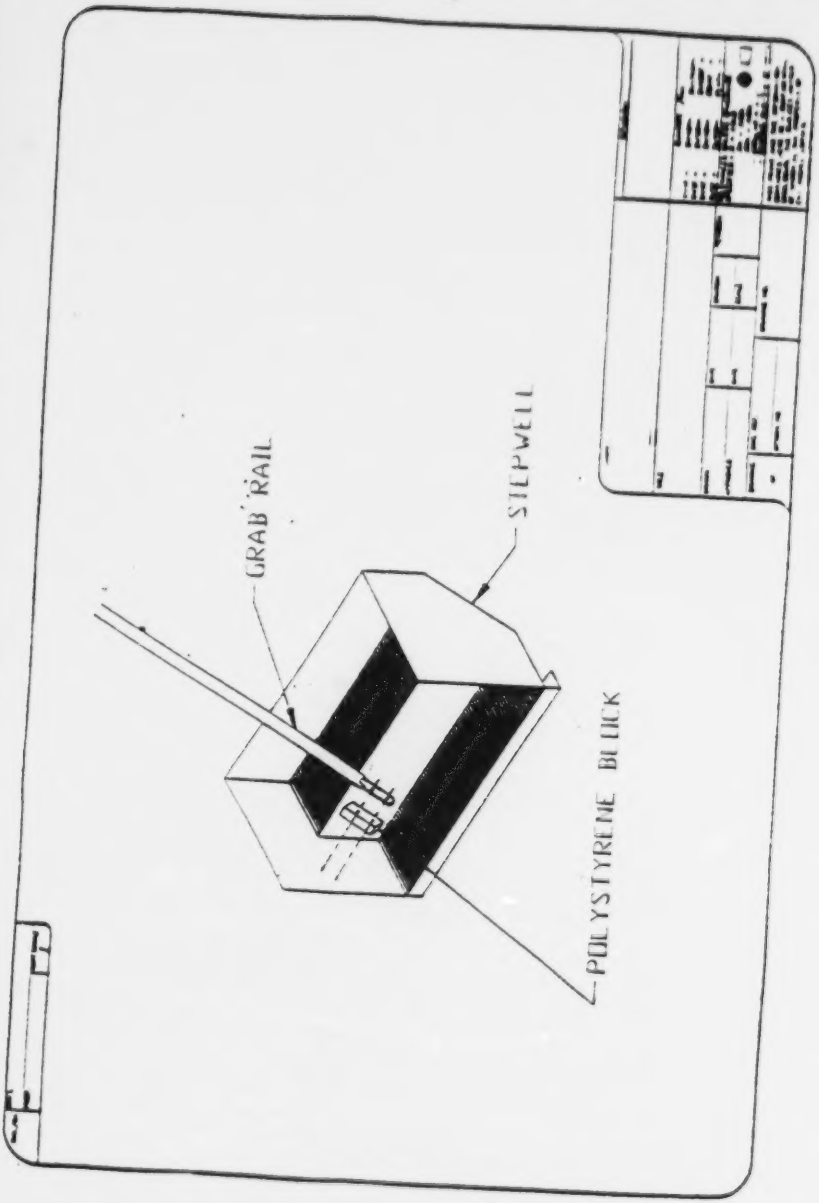
—DANGEROUS SCHOOL BUS HANDRAILS—

Ricardo Martinez, M.D., head of the National Highway Traffic Safety Administration, said that five students since 1991 have been killed and others injured when clothing, especially coat drawstrings, got snagged in handrails as they stepped off school buses. They were dragged and subsequently run over as the school bus moved forward.

Dr. Martinez said school buses manufactured by A. Girardin, Inc., AmTran/Ward, Bluebird, Carpenter, Coach and Equipment Co., Collins Bus Corporation, Gillig Corporation, Sturdicorp, Thomas Built Buses, Wayne and Van-Con, Inc., were recalled to change the handrail designs and make them less prone to snagging.

"But it is not enough to have a recall. Someone needs to make sure that the repairs actually are performed. As of last school year, many had not been done," Dr. Martinez said.

Dr. Martinez urged parents to insist that any buses that need the modifications actually have the repairs performed and that children know about the risk from drawstrings. "Dangling drawstrings are dangerous. I recommend parents call school administrators and ask if there is a program to make students aware of the danger from dangling drawstrings and whether the handrails on affected buses from their schools have been fixed," Dr. Martinez said.



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National Highway Traffic Safety Administration
Pupil Transportation Issues
Points of Contact

Federal Motor Vehicle Safety Standards
School Bus and Equipment
Charles Hott
NHTSA - NPS 15
Office of Vehicle Safety Standards
400 Seventh Street SW
Washington, DC 20590
Phone (202) 366-0247
Fax (202) 366-4329

Vehicle Defects
Schools Bus
John Hinch
NHTSA - NSA 10
Office of Defects Investigations
400 Seventh Street SW
Washington, DC 20590
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Fax (202) 366-1767

School Bus Recalls
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Form Approved O.M.B. No. 2127-0004

AUTO SAFETY HOTLINE

VEHICLE OWNER'S QUESTIONNAIRE

NATIONWIDE 1-800-424-9393
DC METRO AREA 366-0123

FOR AGENCY USE ONLY

DATE RECEIVED

OC.OF ___ ___
FI.CB ___ ___
OC.FI ___ ___
VEH.SY ___ ___

REFERENCE NO.

OWNER INFORMATION (TYPE OR PRINT)

NAME and ADDRESS

DAY TIME TELEPHONE NO. (AREA CODE)

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? YES ☐ NO ☐
In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

SIGNATURE OF OWNER | DATE

VEHICLE INFORMATION

VEHICLE IDENTIFICATION NO.*	VEHICLE MAKE	VEHICLE MODEL	MODEL YEAR

*LOCATED AT BOTTOM OF WINDSHIELD ON OWNER'S SIDE

CURRENT ODOMETER READING

DATE PURCHASED ____ ☐ NEW ☐ USED

DEALER'S NAME, CITY & STATE

ENGINE SIZE (CID/CC/L) ___ ☐ TURBO ☐ DIESEL ☐ GAS ☐ FUEL INJECTN
NO. CYLINDERS ___

TRANSMISSION TYPE: ☐ MANUAL ☐ AUTOMATIC

ANTILOCK BRAKES: ☐ YES ☐ NO

RESTRAINT SYSTEM: ☐ DRIVERSIDE AIRBAG ☐ MOTORMELT ☐ PASSENGERSIDE AIRBAG ☐ 3-POINT BELT ☐ 2-POINT BELT

CRUISE CONTROL: ☐ YES ☐ NO

DRIVETRAIN: ☐ FRONT ☐ REAR ☐ 4-WHEEL

BODY STYLE: STAWAG ___ 4 DR ___ 2 DR ___ HATCH BK ___ VAN ___ PK UP TRK ___ OTHER ___

FAILED COMPONENT(S)/PART(S) INFORMATION (REPORT TIRE INFORMATION ON BACK)

COMPONENT	PART NAME(S)	LOCATION	FAILED PARTS
		☐ LEFT ☐ RIGHT ☐ FRONT ☐ REAR	☐ ORIGINAL ☐ REPLACEMENT

NO. OF FAILURES

DATE(S) OF FAILURE(S) ____

MILEAGE AT FAILURE(S) ____

VEHICLE SPEED AT FAILURE(S)

MANUFACTURER CONTACTED ☐ YES ☐ NO

NHTSA PREVIOUSLY CONTACTED ☐ YES ☐ NO

APPLICABLE ACCIDENT INFORMATION

ACCIDENT	FIRE	NUMBER PERSONS INJURED	NUMBER OF FATALITIES	PROPERTY DAMAGE ESTI	POLICE REPORTED
☐ YES ☐ NO	☐ YES ☐ NO			___	☐ YES ☐ NO

NARRATIVE DESCRIPTION OF FAILURE(S), ACCIDENT(S), INJURY(IES)

CONTINUE ON BACK IF NEEDED

The Privacy Act of 1974
Public Law 93-579

This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a redacted summary thereof, may be used in support of the agency's action.

HS-Form 350 (Rev. 5-88)

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Fold to show Return Address and affix required Postage with tape or staple and mail

INFORMATION ON TIRE FAILURE (IF APPLICABLE)

TIRE IDENTIFICATION NO.*	MANUFACTURER/TIRE NAME	SIZE
D O T		

* The identification number consists of 7 to 10 letters and numbers following the letters DOT. It is usually located near the rim flange on the side opposite the valve/weld or on either side of a blackwall tire.

NARRATIVE DESCRIPTION (CONTINUED)

U.S. Government Printing Office 1988— XXX-XXX/XXXX

U.S. Department of Transportation
National Highway Traffic Safety Administration
400 Seventh St., S.W.
Washington, D.C. 20590

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FIRST CLASS PERMIT NO. 73173 WASHINGTON D.C.

POSTAGE WILL BE PAID BY NATL HWY TRAFFIC SAFETY ADMIN.

U.S. Department of Transportation
National Highway Traffic Safety Administration
Auto Safety Hotline, NEF-11 HL
400 7th Street, SW
Washington, DC 20590

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SCHOOL BUS HANDRAIL PROBLEM

Five deaths and numerous injuries have been reported since 1991 related to this problem. Bus manufacturers are offering recall remedies but the rate of correcting the defect is too low and slow. As of September 1995, only approximately 60% of the busses had been fixed.

The injury-producing problem has been identified as having 3 key contributing components:

1. Driver inattention to students getting off the bus and moving the bus without realizing a student's clothing may be snagged;

2. Design of students' clothing that have drawstring ends and straps which increase the likelihood of such getting caught on the handrail; and

3. Design of the bus handrail.

RECOMMENDED NHTSA REGIONAL APPROACH

A) Regional Staff visits each GR and State Director of Pupil Transportation to discuss the 3 issues listed below:

ISSUE #1 Discuss and provide NHTSA problem description and driver training video tapes and safe driver procedures.

ISSUE #2 Request States to encourage parents and teachers to make students aware of the ends of straps and drawstrings which are susceptible to being caught in the bus handrail. Also, request States to work with Departments of Education and PTAs to check on the status of recall remedies to their school buses. Provide hand-outs and encourage State and local groups to copy and distribute to parents, teachers and bus drivers in public and private school systems.

ISSUE #3 The typical recall remedy to the handrail design problem is to modify the anchor to allow most clothing strings and straps to pass through without getting caught. Provide copies of the bus recall fact sheet. Place significant discussions on the status of the State's school bus fleet getting the recall problem fixed. Request percent estimate of school buses that have not been corrected. Determine if there is a state-wide plan to get the recall notices to all school systems. Determine if there are any recall remedy impediments. Determine if NHTSA can be more helpful in this effort.

B) Regional staff visits a large bus operation in each State. Determine the level of knowledge of problem among the school bus personnel. Determine the extent of corrections being made.

C) Regional staff reports on the States' assessment of their handling of the snagging problem to the AA for State and Community Services by February 16, 1996.

Regional Kits to include: School Bus Recall Fact Sheets that show manufacturers' bus models, phone #, and bus owners costs (if any); parent advisory notice; PTA handout; bus driver handout; video tapes; typical remedy illustration; task strategy; previous news release notice; comprehensive report on the agency's recall actions; Hotline vehicle owner's questionnaire; and a NHTSA customer service (school bus) contact list.

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US Department of Transportation
National Highway Traffic Safety Administration

Region II
New Jersey, New York
Puerto Rico, Virgin Islands

222 Mamaroneck Avenue
Suite 204
White Plains, New York 10605

January 19, 1996

Mr. Norman Schneider
Assistant Commissioner
NY Department of Transportation
Building 7A
State Campus
Albany, New York 12232

Dear Mr. Schneider:

The National Highway Traffic Safety Administration is currently conducting a survey of manufacturer's compliance with a school bus recall campaign that involves children's clothing, especially coat draw strings, getting snagged in the bus handrails. Sami Richie from my staff has conducted the survey in Westchester County on January 18, 1996.

Thank you for the generous cooperation extended to Sami by Jim Brunet of your staff. He effectively facilitated the survey and guided us in the right direction. I also want to thank you for allowing Joseph Scesny from your lower Hudson Region to accompany Sami during the survey. Mr. Scesny's clear insight on the issues, his professionalism, and his customer friendly manner made our effort a success. Both are a credit to the organization and community they serve. Please express our appreciation to both of them.

The NHTSA believes that the problems discovered with the handrails is a critical one which has resulted in injury and death to children being transported on school buses. Accordingly, we recommend that the recall campaign design remedy be included on the mandatory failure check list now used to take a bus out of service. We believe this would provide for a safer school bus environment for New York school children.

Again, thanks for your cooperation and for the able assistance of your professional staff. New York's enviable school bus safety record is a result of the timely efforts of your office.

Sincerely,

Thomas M. Louizou
Regional Administrator

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Mr. RECHT. You might also notice in this, Senator, that there is a memo that summarizes our State-by-State visits, and it is quite interesting, having heard your research and statement about the States which have and have not moved forward to take the buses out of service, that our research and meetings corroborate that.

I would also like to submit for the record the backup memos. These, if you have the time, literally go through State by State the findings of our regional people, and I think you will find they corroborate quite closely.

Senator DEWINE. We will make that a part of the record as well. That will be part of our official record.

[Due to the cost of printing the documents referred to are retained in the files of the committee.]

Mr. RECHT. Thank you.

So I am sad to report that despite all of our efforts, a sixth fatality, which has been mentioned here a number of times, occurred on February 8th of this year when a 9th-grader in Westchester County, NY was getting off the bus to go home from school. The drawstring of the student's coat caught in the handrail of the bus as she was leaving the bus. This was the exact fashion in which all of these incidents have occurred. The bus driver was unaware that anything had happened until the student's coat was discovered in fact when the next student got off the bus. This was quite a tragic incident as it did occur.

Senator DEWINE. And that is typical of how these accidents occur.

Mr. RECHT. Exactly typical, Senator.

Senator DEWINE. The bus driver is not even aware of it.

Mr. RECHT. Exactly.

Senator DEWINE. And Brandie Browder ran how far, Mr. Schenck?

Mr. SCHENCK. Forty-four feet.

Senator DEWINE. Forty-four feet she ran until she could not run anymore.

Mr. RECHT. In this incident, we believe that the young girl was dragged for literally hundreds of feet until her jacket came off—she extricated herself—and then she was run over. At the time that she was run over, the driver was in the bus, and there were three other children still in the bus; they felt a bump, but they thought they had gone over a curb. About one block later, the driver stopped to let out yet another child, and when the child was exiting, the child saw the jacket and mentioned it to the driver, and the driver retraced his steps and found her.

Senator DEWINE. Mr. Recht—how much longer do you have?

Mr. RECHT. Just a minute.

Senator DEWINE. Please go ahead. I did not want to interrupt you.

Mr. RECHT. I just want to indicate that we sent out one of our special crash investigation teams to conduct the report, and we will submit that to you when it is completed.

One thing that we learned in our regional efforts was that there may be some gaps with respect to private school bus fleets, and we in the very near future are going to contact the trade associations

that represent the private school bus fleets to see if we can solve that problem as well.

Senator DEWINE. We probably also have an additional issue with other people who own old school buses, for example, churches, that are not covered. In other words, this chart, no one should think represents a coverage of those as well, and we are not quite sure, frankly, whether every one of these States deal with private, either. So this chart deals only with public. Some States may be dealing with private, but not all. I just wanted to clarify that for the record.

Mr. RECHT. That is exactly correct.

Let me just conclude by saying that we have been and continue to mount an unprecedented campaign to increase awareness of this problem, and we intend to continue our efforts until the matter is fully resolved.

However, I do wish to emphasize, as I did last August and as I believe your statement emphasizes as well, that States continue to have a significant responsibility to prevent these tragedies as well. The Federal role only goes so far, and once a vehicle is in use, we cannot force the owner to have the vehicle repaired in the event of recall; we can encourage it, but we simply cannot force it. The States ultimately have the responsibility and the authority to inspect their school buses and ensure that no child rides in a bus with a defective handrail. We believe that States should continue to enhance the programs to ensure that drivers receive proper training and that students, teachers, and parents alike are aware of this problem and other hazards. School boards and especially parents, we believe, must be made aware of these needs.

We in turn will continue to provide all the technical assistance we can which proves to be useful to the States and localities. In the end, however, we all share collectively the responsibility for making school bus transportation as safe as it possibly can be.

Thank you very much.

[The prepared statements of Mr. Recht and Mr. Engle follow:]

PREPARED STATEMENT OF PHILIP R. RECHT

Senator DeWine, it is a pleasure to appear before you today to provide an update to my August 1995 testimony before this Committee in Columbus, Ohio. Accompanying me at the witness table is Ron Engle, Chief of the National Highway Traffic Safety Administration's (NHTSA) Safety Countermeasures Division, Office of Traffic Safety Programs.

NHTSA's principal mission is to reduce traffic crashes and the deaths and injuries that result from them. We do this in a number of ways: we issue Federal motor vehicle safety standards, carry out compliance and safety defect enforcement activities, conduct research and development, and provide consumer information. We lead the nation's State and community highway safety program by establishing highway safety guidelines and setting priorities to assist State and local governments with their highway safety programs.

Even though school buses are among the safest of all modes of transportation, an average of about 42 school children under 19 years old are killed each year in school bus-related incidents, 11 as occupants in the bus and 31 as pedestrians in the immediate vicinity of the bus. Since most children are killed outside the bus, we have focused our school bus safety efforts, including both mechanical and educational efforts, on the immediate area around the bus.

For example, on the mechanical side, NHTSA issued two rules during 1991 and 1992 to improve school bus safety. The 1991 rule required stop signal arms on all new school buses built after September 1, 1992. The 1992 rule required school buses manufactured after December 2, 1993, to be equipped with mirrors to give school bus drivers a clearer view of children approaching and leaving the bus. On the edu-

cational side, we developed a number of programs, like the *Willie Whistle* series, aimed at school children in grades K-8. In my testimony last August, I described the details of that highly effective program, which teaches safe street-crossing behavior, and NHTSA's other school pedestrian and school bus safety efforts. If I may, I would like to attach that testimony to this statement.

This portion of today's hearing continues your review of one of NHTSA's high priority school bus safety concerns with respect to the immediate area around the bus—the snagging of children's clothing or bookbag straps on stairwell handrails. This is a relatively small, yet tragic segment of the overall problem. NHTSA is strongly committed to solving the handrail snagging problem and has taken aggressive steps to remedy the situation.

At the August hearing, we described the nature of the problem and actions we had taken prior to that hearing. At that time, five children had been killed after the strings or straps on their coat or backpack lodged in the space between the handrail and the wall of a school bus. We reported that we had conducted 14 vehicle defect investigations of school bus body manufacturers to determine if their handrails posed snagging problems. Of the 14 companies, 10 companies, representing approximately 180,000 buses, had unsafe handrail designs and agreed to conduct safety recall campaigns to change the handrail designs of the buses to make them less prone to snagging clothing. As of the August hearing, the repair rate for those companies conducting safety recalls was about 65 percent.

We also reported at the hearing that one company with an unsafe design, the Wayne Corporation of Richmond, IN, had built approximately 100,000 school buses from 1979 to 1992 with handrails that should be remedied. However, the company had gone out of business in 1992, and, as a result its buses could not be reached through the normal recall and remedy process.

We also reported at the hearing that, to deal with the Wayne bus situation and other aspects of the snagging problem, we had initiated aggressive outreach and educational efforts. Our major actions included:

- Issuing public warnings and advisories to publicize the handrail problem, and urging owners of Wayne buses to inspect them and make necessary repairs;
- Urging all State agencies responsible for inspecting school buses to recommend that their inspection teams examine the handrails on all buses to see if they have a snagging problem;
- Meeting with all State and local program directors responsible for pupil transportation to explain the problem and how to fix it; and
- Producing, broadcasting, and distributing a video news release on the snagging problem;

Those outreach efforts disclosed that a number of school districts around the country had not responded to our warnings and recommendations regarding the handrail problem. We also discovered that a second out-of-business manufacturer of school buses—Carpenter Body Works of Mitchell, IN—had manufactured approximately 25,000 buses before May of 1990 with handrails that needed remedy. Again, the buses appeared to be beyond the reach of NHTSA's recall and remedy authority.

Since the hearing, we have continued our efforts to address the snagging problem. On the vehicle side, I am pleased to report that last October we secured an agreement from Carpenter Manufacturing Inc., the company that acquired the assets of both Wayne and Carpenter Body Works, to make replacement handrails and spacers available as a "goodwill" action. This action will enable the remedy of the approximately 125,000 school buses manufactured by Wayne and Carpenter Body Works. Carpenter is making these repair parts available at cost for Wayne buses, and available at no cost for the buses of Carpenter Body Works.

We have also conducted additional vehicle defect investigations, which have resulted in an additional 10 recalls, involving 132,500 buses. Overall, taking into account buses which have been the subject of multiple recalls, NHTSA has secured the recall of approximately 280,000 buses.

On the basis of the quarterly reports filed by the manufacturers for the pre-August recalls, we estimate that about 71 percent of the buses in those campaigns have now been repaired. We are awaiting the first reports from the new campaigns. At the same time, we are auditing the older campaigns to ensure that the reports are accurate and that the repairs have been correctly completed.

Some of these remedies have not been totally successful, resulting in several new recalls. In three cases, the repairs developed long-term durability problems and the manufacturers involved are providing new repairs. NHTSA staff are monitoring these repairs, and keeping in close contact with the affected manufacturers to provide whatever technical assistance is appropriate. Without exception, the manufacturers have been very cooperative and appear concerned that all affected buses are properly part of our strengthened outreach efforts.

Also since August, NHTSA staff have met again with the pupil transportation safety directors of virtually every State as well as hundreds of local pupil transportation directors to discuss this problem and how to fix it.

Last September, we produced a training film on the snagging problem and what to do about it for school administrators and law enforcement officials. We broadcast this 17-minute film over the Law Enforcement Television Network in October. NHTSA has distributed over 600 copies of this training film to States, law enforcement agencies, and schools across the country. This coming August we will reissue our video news release on the snagging problem for the general public.

A new dimension to our outreach effort is the use of the staff of our 10 regional highway safety offices. Between November 1995 and March 1996. our regional staff visited at least one large school bus operator in each State to determine if recall notices on the handrail snagging problem had been received by that operator and whether appropriate repairs had been or were being made. Our regional staff also visited each State's highway safety and pupil transportation office to ensure that each State had developed a strategy for inspecting all its school buses and for remedying any bus determined to have defective handrails.

To assist these school bus operators and State officials, we prepared and distributed a special package of pertinent information on the snagging problem that includes the following:

- *Alert to Parents and Teachers* (in English and Spanish)
- *Alert to School Bus Drivers*
- *Inspector's Test String* for gauging handrail clearance
- *Advisory to Parents* from NHTSA Administrator Ricardo Martinez, M.D.
- *Video Presentation* produced for every State
- *Illustration of How to Remedy* the handrail snagging problem
- *NHTSA's Four News Releases* on the handrail snagging problem
- *Report on NHTSA's Recall Actions* on the handrail snagging problem
- *NHTSA's Auto Hotline Questionnaire* for any other problems detected
- *NHTSA's List of Customer Service Contacts* for school bus problems
- *Recall Fact Sheets* showing the recalled buses, manufacturers, phone numbers, and the costs, if any, to the owners for making the repair

I am providing a complete package of this information for your review.

As a result of these efforts by our regional staff we identified a large number of private and public school buses that had not been repaired. In some cases, over 50 percent of the buses identified had defective handrails, some of which had been repaired but repaired improperly.

I am sad to report that despite all our efforts, a sixth fatality occurred on February 8th of this year, when a ninth grader in Westchester County, New York, was getting off the bus to go home from school. The drawstring of the student's coat caught in the handrail of the bus as she was leaving the bus. The bus driver was unaware that anything had happened until the student's coat was discovered.

Two weeks before this latest fatality, a NHTSA regional staff member had inspected some of the buses in Westchester County. He found that a number of the buses either had been repaired improperly or not at all. The staff person provided instructions for obtaining the repair parts from the manufacturer and how to install them correctly. In the case of the bus that killed this student, repair parts arrived just before the tragedy occurred. One of NHTSA's Special Crash Investigation teams has been sent to the site to find out exactly what happened and why.

NHTSA will shortly contact several associations representing private school bus fleets to make sure that they are informed about the handrail snagging problem and how to solve it. These contacts are in addition to the agency's direct audit of individual operators and will be completed by the end of this month.

In conclusion, NHTSA is mounting an unprecedented campaign to increase awareness of the handrail snagging problem and how to fix it. We intend to continue our efforts until this matter is fully and satisfactorily resolved. However, I must emphasize, as I did in my testimony last August, that the States continue to have a significant responsibility to prevent these tragedies. The Federal role only goes so far. Once a vehicle is in use, we cannot force the owner to have the vehicle repaired in the event of a recall. The States have the authority to inspect school buses and ensure that no child rides on a school bus with a defective handrail. The States must continue to enhance their programs to ensure that the drivers receive the proper training, and that students, teachers, and parents are aware of this and other school bus hazards. School boards, and especially parents, must be made aware of these needs. We will continue to provide all the technical assistance we can that is useful at the State and local level. In the end, all of us share the responsibility for making school bus transportation as safe as it can possibly be.

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Senator, this concludes my prepared remarks. Mr. Engle and I will be glad to answer any questions that you may have.

PREPARED STATEMENT OF PHILIP R. RECHT, AUGUST 31, 1995

Senator DeWine, it is a pleasure to appear before you today to discuss and explore preventive measures that can be taken to make school bus transportation even safer than it is today. Accompanying me at the witness table is Ron Engle, Chief of the National Highway Traffic Safety Administration's (NHTSA) Safety Countermeasures Division, Office of Traffic Safety Programs. When I conclude, Mr. Engle will speak in detail about the issue of handrails on school buses.

NHTSA's principal mission is to reduce traffic crashes and the deaths and injuries that result from them. We do this by carrying out several statutory mandates. Under chapter 301 of title 49, United States Code, we issue Federal motor vehicle safety standards, carry out compliance and safety defect enforcement activities, conduct research and development, and provide consumer information. Under chapter 4 of title 23, United States Code, we lead the Nation's State and community highway safety program by establishing highway safety guidelines and setting priorities among them to assist State and local governments with the implementation of their highway safety programs. This statute also authorizes research, development and demonstration projects, technical assistance, and formula and incentive grants.

On the matter of school bus safety, I should begin by mentioning that all experts agree that school buses are among the safest of all modes of transportation. About 400,000 public school buses throughout the Nation transport approximately 23 million students more than 18 million miles on every school day. Although our statistics show that children are safer on a school bus than on other modes of transportation, we continue to work to prevent school bus-related injuries and deaths.

Over the last 10 years, approximately 40 school children under 19 years old have been killed each year in school bus-related incidents as occupants in the bus or as pedestrians in the immediate vicinity of the bus. Specifically, since 1985 a total of 379 school children under 19 years old have been killed in these incidents: 101 while riding on the bus, and 278 as pedestrians.

In the last two years, we have seen an improvement in the statistics. In 1993, 37 children under 19 years old were killed in these incidents: 10 while riding on the bus and 27 as pedestrians. In 1994, 28 children under 19 years old were killed in these incidents: 2 while riding on the bus and 26 as pedestrians. Figures for 1995 are not yet available, so we do not yet know if the 1993 and 1994 experience was an aberration or the start of a significant positive trend.

While a number of factors contribute to school bus incidents, our research and investigations generally indicate that children are at greater risk in school-bus loading zones than on board the buses. As a result, a major focus of NHTSA's school bus safety efforts concerns the immediate area around the bus.

Today's hearing involves Just such an issue—the snagging of clothing or bookbag straps on stairwell handrails. This is a relatively small, yet tragic subset of the overall problem. This snagging problem has occurred when children are getting off a bus. As they walk past a handrail, strings or straps on the child's coat or backpack may lodge in the space between the handrail and the wall of the bus. When this occurs and the bus begins to drive away, the child may be dragged and run over by the rear wheels of the bus, leading to tragic, often fatal, injuries. Since April 1991, five children have been killed in this manner. The latest handrail snagging fatality occurred last February 27, when Brandie Browder, an eighth grader at Ferguson Jr. High School in Beaver Creek, Ohio, was coming home from school.

NHTSA is strongly committed to solving the problem of school bus handrail snagging and has taken aggressive steps to remedy the situation. Our activities have included recalls for mechanical repairs such as redesigned handrails and rubber spacers that fit between the handrail and bus wall. Also, we have undertaken various educational efforts intended to get the message out that the mechanical repairs alone are not sufficient. Drivers, other adults, and the children themselves must recognize that extreme caution is absolutely necessary every time a child exits from a school bus. Mr. Engle will describe these matters in detail following my statement.

Let me devote the remainder of my time to describing NHTSA's other efforts directed at solving the loading zone problem. As with the handrail issue, our activities in this area involve both mechanical and educational components.

On the mechanical side, NHTSA issued two new rules during 1991 and 1992 for improving school bus safety. The rule issued in 1991 required stop signal arms on all new school buses built after September 1, 1992. This requirement is intended to reduce the number of students struck by vehicles illegally passing a stopped school bus.

The rule issued in 1992, amending the agency's safety standard for rear view mirrors, requires school buses manufactured after December 2, 1993, to be equipped with mirrors to give school bus drivers a clearer view of children approaching and leaving the bus. In practice, this requires school buses to be equipped with two types of outside mirror systems to increase the ability of a driver to see children in the hazardous areas around the front and sides of the bus. One is the normal set of driving mirrors. The other is a pedestrian detection system of convex mirrors to reflect a wide angle. Together, these mirrors gave drivers a broad, overlapping view of the bus's perimeter.

Currently, we are engaged in research on other systems involving more advanced technology. Specifically, the agency's Vehicle Research and Test Center (VRTC), located just 50 miles west of here in East Liberty, is conducting laboratory tests of school bus pedestrian detection systems that use radar to scan the area in front of and to the right of the bus and that alert the driver of any pedestrians in the vicinity.

In addition to the laboratory tests, we plan to observe the systems in actual use to determine how effectively they both detect school children and alert school bus drivers to potential problems. We have contacted the State of Ohio's Department of Education to mount these systems on working buses and conduct such an observation here in Ohio. We hope to have the entire study completed early in 1996.

On the behavioral or educational side, NHTSA's Traffic Safety Programs staff has developed a number of counter measures addressing various school pedestrian and school bus safety issues. The most widely used is the *Willie Whistle* series, aimed at school children in grades K–8. A number of studies have shown this program to be highly effective in teaching safe street-crossing behavior and reducing crashes involving young pedestrians.

NHTSA's newest pedestrian/education program, to be released tomorrow, September 1, is called 3"Walk-Ride-Walk: Getting to School Safely." This program consists of seven half-hour lessons with teacher's guides, three student videos, a course poster identifying the danger zones around a school bus, and videos and brochures for parents and school bus drivers. The agency entered into a partnership with the National Safety Council (NSC) to market and distribute the "Walk-Ride-Walk: Getting to School Safely" program package at a reasonable cost. We believe that this combined effort of NHTSA and the Safety Council will greatly increase our ability to distribute a promising new product throughout the educational community.

In addition, three months ago Secretary Pena and Education Secretary Riley signed a "Statement of Commitment" agreeing that the two departments will develop coordinated policies in a number of areas, including issues related to the use of school buses. NHTSA has the lead in developing the Department of Transportation's plan for carrying out this commitment. This plan, which we will start drafting in September, will call for a wider distribution of information to students, parents, teachers, and administrators on safe behavior in and around school buses.

Let me conclude by indicating that most school bus-related tragedies can be prevented with more awareness of school bus hazards by students and caution on the part of the bus driver and other motorists. Having said that, let me especially emphasize the importance of school bus driver education to improve safety generally and specifically in addressing the problem of handrail snagging. School bus driver education is traditionally the responsibility of State and local governments. Nonetheless, we all have a part to play. As mentioned earlier, NHTSA is engaged in a variety of educational efforts, including providing technical assistance to the States for the development of their driver training programs. States must continue to enhance their programs and ensure that drivers remain vigilant. School boards and parents, in particular, must be made aware of the need for full and proper training of drivers, and make sure that we in government perform our responsibilities. We all share the responsibility to help our drivers safeguard our children.

Senator, this concludes my remarks. Mr. Engle will now discuss the handrail issue in further detail. We will then be glad to answer any questions that you may have.

PREPARED STATEMENT OF RONALD ENGLE, AUGUST 31, 1995

Senator DeWine, it is a pleasure to appear before you today to discuss the issue of handrails on school buses, and the actions the National Highway Traffic Safety Administration (NHTSA) has taken and is continuing to take to address the safety hazards that handrails can present when they snag children's clothing.

To begin, I would like to show you the agency's brief video news release on the snagging problem, offered by satellite to TV stations across the country. This will

take about 3 minutes, after which I will describe the steps NHTSA has taken to prevent these tragedies.

Since April 1991, when the snagging problem first appeared, our investigations show that 22 school bus-related accidents have involved this problem. In these accidents, 5 children died and 17 were injured.

The problem has two mechanical components: (1) the design of children's clothing; and (2) the design of the bus's handrail.

While school bus handrails have remained essentially unchanged for the past 30 years, children's clothing styles have changed in recent years to include strings or straps on hoods, waist-ties at the hip level, and adjustment straps on backpacks.

We believe the snagging problem first appeared when the use of drawstrings in clothing styles became prevalent. NHTSA has contacted the Consumer Product Safety Commission (CPSC), the agency with jurisdiction over clothing safety matters, about the redesign of clothing to eliminate the strings and straps that appear to have caused the handrail problem.

Many handrails on large school buses have a small space between the wall of the bus and the handrail where these strings or straps can become caught. If this happens and the bus door is closed, the driver can think that the child has exited safely and mistakenly drive away, dragging the child to a severe injury or death.

In early 1993, NHTSA issued a public warning to school bus drivers, parents, and children. We also immediately notified all State directors of pupil transportation and the Governors Highway Safety Representatives of this potential danger. The agency asked these officials to make school bus drivers aware of these incidents and to be especially cautious at stops where no adults are present to help supervise the off-loading of students. We stressed how important these precautions are during winter months, when children are more likely to wear clothing with drawstrings.

Also in 1993, the agency requested detailed information from all of the major school bus body manufacturers to determine the scope of the snagging problem and how to prevent it.

In 1994, Secretary Pena issued a second public warning to school officials and school bus drivers about the problem. The warning stressed that four children had died in snagging accidents since April 1991. It also urged parents and school administrators to teach children about the potential snagging hazard, and asked school bus drivers to be especially vigilant as students exit their buses.

After a fifth fatality occurred last February in Ohio, NHTSA Administrator Dr. Ricardo Martinez issued a further warning about the risk from snagged clothing.

Since NHTSA first publicized its concern about this problem in 1993, the agency has conducted a total of 14 vehicle defect investigations of North American school bus body manufacturers to determine if their handrails pose snagging problems. Ten of these 14 companies have conducted safety recalls to change the handrail designs of their buses to make them less prone to snagging clothing. For those companies conducting safety recalls, the repair rate is currently about 65 percent and climbing.

Three of the 14 companies did not have unsafe handrail designs. One company with an unsafe design, the Mayne Corporation of Richmond, IN, has gone out of business. Because the Wayne Corporation is no longer in business, there is no existing entity that can be ordered to conduct and implement a safety recall of the buses manufactured by that company.

Approximately 100,000 Wayne Corporation school buses, built from 1979 to 1992, have handrails that should be remedied. Although an inexpensive remedy of either a replacement handrail or a rubber spacer that fits between the handrail and the bus wall is available, school bus owners are reluctant to make the repair without a formal safety recall, perhaps in part because of concern about liability for modifying a bus without officially being ordered to do so.

The agency is urging owners of these buses to inspect them and make necessary repairs. Also, since most States require an annual inspection of their school bus fleets, we have notified he State agencies responsible for inspecting school buses to suggest that their inspection teams examine the handrails on all their buses to see if they have a snagging problem.

During the past two years, I have met personally with all of the state pupil transportation safety directors and hundreds of local program directors responsible for pupil transportation. The issue of handrails on school buses has been a major part of my presentation to these officials.

Last May, NHTSA broadcast the news release on the snagging problem that I played for you earlier in my testimony. Since the May broadcast, the agency has distributed more than 500 copies of this release in VHS format. Since we will be re-broadcasting this same release around the time of this hearing, we expect to distribute many more copies in the near future. The agency plans to issue a fourth public warning to publicize the handrail problem this week.

Senator, this concludes my remarks. I will be glad to answer any questions that you may have.

Senator DEWINE. Thank you very much for your testimony. We appreciated your testimony last August, and we appreciate today your update of what you have done since that time.

Before we move to our next witness, I want to ask you a couple of questions in order to keep my train of thought here. You used the term "recall"; I wonder if you could give us, as you did in our August hearing, your definition of the term, because I think when the average person hears "recall," he or she may think one thing, and the actual technical definition is a little different. What do you mean when you say you have issued "x" number of recalls?

Mr. RECHT. A recall at NHTSA refers to an agreement by a manufacturer to provide a cost-free remedy to a safety defect in a vehicle. Recalls come about in a number of ways. Oftentimes manufactures on their own initiative agree to them. Often, once we have opened an investigation, they voluntarily agree. It is very rare that we actually have to go to court to force it.

In this instance, after we opened our investigation, these manufacturers have all voluntarily agreed to provide a cost-free remedy. So what they are responsible to do is send a letter to each owner of a vehicle that they manufactured which is subject to the recall. They typically do this. They have their own records as to ownership. Also, there are one or two private companies in the marketplace that keep lists of the exchange of pink slips and the like; they keep up-to-date lists of owners. The auto manufacturer will typically buy a list from that company to supplement their own, send a letter stating that you own a vehicle which is now subject to a safety recall; please bring it in to a dealership or call, and we will make arrangements, and the remedy is free.

We then monitor to make sure that the appropriate repair is made.

Senator DEWINE. And I appreciate the definition. Let me then State what it does not mean, and you correct me if I am inaccurate. It does not mean that the owner of the bus has to do anything.

Mr. RECHT. That is absolutely correct.

Senator DEWINE. If the owner of the bus wants to take that letter and throw it in the trash can, he can do that.

Mr. RECHT. Correct.

Senator DEWINE. If the bus has been sold twice, unless the list that you are talking about is adequately kept up, that third owner may or may not get that notification. Notification is done by the manufacturer, and they agree to fix the problem if the bus is brought in.

Mr. RECHT. Correct. But there are those gaps, as you point out.

Senator DEWINE. There are gaps, and as you point out, there are gaps particularly if a company goes out of business, and you have discussed how you have tried to deal with that.

Let me ask you about another issue that we talked about in our prior hearing. In many States, the responsibility for inspecting school buses and being responsible for the safety of school buses lies in two different agencies. For example, in the State of Ohio, and this is typical, the State Department of Education is in charge of the overall issue of school bus safety, or at least that is my un-

derstanding of it. The highway patrol, which is a separate agency in Ohio—the highway patrol, for example, reports to the Governor; the State Department of Education does not report to the Governor, but to an independently-elected State Department of Education, the school board—but in Ohio, you have one agency, the Department of Education, being responsible, but you have the actual inspections being done by the highway patrol. And as we tried to unravel the situation in Ohio, what we found was that there was, to put it charitably, maybe not the best communication between those two departments.

What have you done or what are you going to do to try to remedy that? You cannot change the structure in each State, but in almost every State, we are only dealing with two agencies. We are not dealing with a whole lot. What are you doing to make sure that one hand knows what the other hand is doing in a State?

In other words, if you notify the State Department of Education, and they do not turn around and notify the highway patrol, it does not do a whole lot of good.

Mr. RECHT. If I may, I will ask Mr. Engle, who deals directly with these people, to answer that question.

Senator DEWINE. Sure.

Mr. ENGLE. Last Spring, we notified both. We notified each State police superintendent of the situation. We gave them an orientation on the Connecticut fix and how to do it in addition to again notifying the State directors.

Senator DEWINE. So to be real blunt about this, no one should have the excuse that, "Gee, my other twin State agency did not bother to tell me"? I mean, to your knowledge, you are going in and telling the people who can deal with it.

Mr. ENGLE. We have turned over every stone we could find.

Senator DEWINE. OK. Let me ask you this, then—and I appreciate your outlining in very great detail the work that you have done to notify the different States; the fact that now you are notifying two people or two agencies in each State—how in the world, over a decade after we first discovered this problem, do we still have the States that are outlined in red who apparently do not seem to think there is a problem? Why does the little girl in New York State die? Why does the little Chen girl die? Why? Or, maybe another way of looking at it is what in the world do we have to do. How do we get the attention of the bureaucracy or the politicians or whomever in these States?

Mr. RECHT. Well, suffice it to say, Senator, we share your view and concern over this thing, and I started off by commending you for holding this hearing, and I think this is one of the things that you do. You draw this issue to national attention so that people understand the seriousness of it and the simplicity of the remedy. This is not a problem which requires an exotic or expensive fix. In fact, as I mentioned, these recalls provide a cost-free remedy; it is not even $1.50, as has been mentioned.

The other thing we have tried to do is literally get out with our regional people State by State, to urge the State officials to do exactly as you are suggesting, which is to take these vehicles off the road if in fact they do not pass the inspection.

Senator DEWINE. At this point, let me turn to Mr. Gauthier, who is the executive director of the National Association of State Directors of Pupil Transportation Services. Thank you very much for joining us today.

Could you start by describing—and you were probably going to do this anyway—but could you describe what your association is?

Mr. GAUTHIER. Yes, Senator. We would like to thank you for holding this very important hearing and giving us, the State Directors Association, the opportunity to testify here today.

The State Directors Association was founded in 1968, and it represents a cross-section of individuals and organizations involved in the safe transportation of school children. As the association's name indicates, individuals with the primary responsibility for school transportation in each State are members. In addition, the school bus manufacturers, many equipment suppliers to the school bus industry, or the school bus after market, and a number of State associations whose members include transportation officials, drivers, trainers and mechanics, are also members of our association.

Based on this diversity in membership, we believe that the State Directors Association provides a unique perspective on school transportation issues and speaks for a large segment of the school transportation industry.

In 1993, after learning of two incidents where students were killed because of their clothing getting snagged in the handrails of their school buses, the National Highway Traffic Safety Administration initiated a series of safety defect investigations into the handrail designs of every school bus manufacturer. Those investigations resulted in 10 manufacturers conducting safety recalls to conduct a handrail design that had been safely in use for several decades but was now causing a potential threat to students whose clothing or backpacks had dangerous drawstrings hanging from them.

The school bus manufacturers deserve credit for voluntarily fixing a safety problem that was not created by them.

NHTSA, every national organization involved in school transportation, and your own office, Senator DeWine, have undertaken extensive and repeated efforts to notify everyone involved in school transportation of the dangers of clothing snagging on school buses. Collectively, there have been more public notification activities on the handrail recalls than any other safety recall in the history of NHTSA's safety recall program.

I agree with you, Senator, that it is hard to imagine that 100 percent of the people out there do not know about this problem.

Based on that, the State Directors Association does not believe that additional notification efforts about the handrail recalls would necessarily be beneficial. Rather, if we are going to do more work, we should undertake activities to address snagging problems in school buses in the area of driver training.

In reviewing each of the incidents where a student's clothing was snagged on a school bus component, it appears that the driver could have seen the situation by properly checking the mirror systems on the school bus before driving the bus away from the stop. Today's school buses have the most sophisticated mirror systems

available and provide the driver with a complete view of all areas in front of and along both sides of the school bus.

Developing and implementing improved driver training and testing programs on the subject of school bus loading zone safety, and particularly making sure that the child is not hooked on the bus, appears to be the most productive and beneficial means of eliminating these needless snagging incidents.

Thank you, sir, and I will be happy to answer any questions you have.

Senator DEWINE. Thank you very much for your testimony. Let me just follow up if I could on your last thought. One of the things that is frustrating to me as we look at the issue of school bus safety is that, frankly, we should not have to spend a lot of energy and time focusing on this problem, a problem that can be rectified very easily and very cheaply. It is not like a lot of problems we face in society. It is not like the debate we had a few years ago about whether it was worth the lives to be saved to put in seatbelts, and the debate we had later on about what is a life worth—is it worth $500, $1000 for an airbag.

We are not talking about that. We are talking about $1.50, and we are talking about the fact that every school bus in this country, I think—and you can correct me if I am wrong—is inspected every year. At least that is the best information we could get.

So we are not asking people to do things they are not doing now, and we are not asking them to spend much money. In fact, all the manufacturers have said—I mean, basically, each one of these buses is going to be covered by somebody else.

I guess that is why this is so frustrating. Do you all have meetings where people from the 50 States come together?

Mr. GAUTHIER. Yes, sir. We have an annual meeting where we all get together. We also on a 5-year basis have a national standards conference where we get together. The last conference was in May of 1995. People from NHTSA were there, and jointly we worked together to come up with action items on the handrail, and we are following through on those.

Senator DEWINE. At these meetings, would you have had people from Texas and Oklahoma—you can see how my geography is without the names up there—Maine——

Mr. GAUTHIER. Yes, sir. There were State delegations there from every State in the Union.

Senator DEWINE. When is your next meeting?

Mr. GAUTHIER. Our annual convention will be this November in Nashville, TN, and I believe we have invited you, Senator, to come and address our convention.

Senator DEWINE. I appreciate that, and I am going to try to take you up on that.

Mr. GAUTHIER. We would appreciate having you, Senator.

Senator DEWINE. I appreciate that.

I think your point is very well-taken. We need to keep everything in proper perspective. What the testimony last time indicated and what your testimony indicates today and what the experts tell us is that more lives could be saved in regard to school buses by improving driver training and focusing on that. And frankly, one of our later panels will be talking about that, so we are not ignoring

this issue. It is just that this one looks so easy and so simple, and the deaths are so inexcusable, and therefore to an extent, they are even more tragic than the life of a child lost always is. That is what is so irritating.

I just cannot believe that people in New York State, for example, do not want to fix this problem. I just do not get it.

Mr. GAUTHIER. I cannot explain the actions of the State, sir. The only thing I could possible think is that you have State legislators that would have to be called in to change some State laws. Obviously, the State laws allow them to continue to do this. So that needs to be changed, and hopefully these States, rather than trying to change their legislation that allows this to happen, are focusing on getting the buses remedied and focusing on additional driver training.

Senator DEWINE. And that is very important. As I said, my guess is—and this is only a guess as a former State legislator in Ohio—that these problems could be rectified without legislation. My guess is that if some bureaucrat somewhere decided, "I am not going to put up with this anymore; we are going to fix it," it would get fixed.

Mr. GAUTHIER. Absolutely.

Senator DEWINE. So when I read some of these explanations, it is just the typical bureaucratic runaround, "Gee, it is not on my turf, it is not my responsibility," with everybody pointing somewhere else. And I guess what we are saying is that someone ought to just say, "The hell with it, I am going to fix it."

Mr. GAUTHIER. Agreed.

Senator DEWINE. Let me just open it up to the whole panel. I would like any additional comments that any of you may have. Maybe we could start with the issue we were just talking about, that is, why this continues and what else can be done about it. I think we have pretty well exhausted the issue of notifications to the States.

Mr. SCHENCK. Senator, if I might interject something that follows on what Mr. Gauthier has said, when I talk with people in Ohio—as you know, we conducted grand jury proceedings that went on for a long time, we had the director of transportation for the State of Ohio under oath, and of course, my greatest fear was that he would take the Fifth Amendment. I would not blame him, but I was really more interested in finding out what the real problem was. And fortunately and to his credit, Mr. Campbell had the courage, in my judgment—and I think he took a lot of heat, and I am not so sure it was fair, frankly, and I hope that I was not a party to it—but he took a lot of heat as a State director for what occurred. And when I investigated and looked into this, I came to find that in actuality, considering the resources that he had and the monumental responsibilities he had, he had in fact done even more than he remembered he had done, in my view, in notifying the different school districts and letting people know.

But as he pointed out, "Mr. Schenck, I am not trying to lay this off on anybody else, but I was made aware of the problem by NHTSA. I reacted to it, I sent letters out. I am one guy responsible for 88 counties and how many districts in these counties, and we sent these letters out. I assume they got them; I cannot be certain who got them and who did not." I felt a lot of empathy and sym-

pathy for this man. It looks as though he may have been forced out of his job; I do not know, and I may not have all the facts.

But the thing that kept coming back to me when I talked with people at the State highway patrol and others was that, "We just cannot make these modifications." I heard this time and time again. "We just cannot do it."

And my answer was, "Why can't you do it? If you have a ball glove in your hand and the strap is broken, why don't you fix it?" It just did not make any sense to me, not being in the business.

So I think that needs to be explored more—why can't you fix it? Why didn't you fix it? There seemed to actually be a fear on the part of some people in the school business about making these modifications for fear that if they made a modification and something went wrong, and it was not right, there might be some liability.

I think there really is to some extent an honest, legitimate fear, not just bureaucracy, not just turf wars, not just, "It is not my responsibility." But I think there is some fear on the part of some that they should not make modifications without approval, and to get that approval looks to be a difficult thing.

As you know, fortunately, some people just took the bull by the horns and said, "I do not care what the protocol is, I do not care what the regulations are, I do not care what it is—we are just going to do it." And you see what happened. Nobody was going to have the brass to stand up and challenge them on that in the face of what has happened.

So I say that for what that is worth.

Mr. RECHT. Senator, with respect to the liability issue, that is something that we actually heard a good deal about prior to the time that we resolved this Wayne and Carpenter bankruptcy situation that involved pupil transportation directors saying, "Perhaps we have some risk if we fashion our own remedy." However, that should no longer be a justification or an excuse now that we have a company that stepped up to the plate there.

Also, I would indicate again that the other companies that have agreed to recalls will provide a remedy cost-free, so that again those State engineers should not be put in the position of having to devise the mechanical fix themselves. So liability really should not be a problem.

Let me just answer your broader question by saying that we in NHTSA intend to continue to be squeaky wheels. I think you put your finger on the issue by indicating that it is ultimately a matter for leadership. If somebody in a State stands up—I recall at the hearing in August, the State police trooper who was there was quite powerful in his testimony when he said, "I myself stood up and said I would not let a bus leave the lot until it was fixed."

If that kind of action occurred in every State, I am certain your chart up there would be all gold instead of red and white.

Senator DEWINE. I appreciate the comments and particularly the comment with regard to the fear of making any kind of modification. I think you pointed out, Mr. Recht, that that fear should be gone.

I would point out—and I am certainly not a plaintiff's trial lawyer, do not pretend to be and never have been—but if I were the

legal counsel for any school district, and they came to me and said, "Gee, we know there is a problem here; should we fix it?"—I think good faith gets you a long way in the law even today; as cynical as people are about the law, I think good faith and trying to do the best you can goes a long way. The one thing that I have found that the public will not tolerate and frankly should not tolerate is people who walk away and say, "Oh, gee, it is not my responsibility," or "Oh, gee, I cannot do it." Frankly, that is part of the problem in this country. Everyone is afraid to stand up and do what has to be done.

Mr. GAUTHIER. Senator, could I just make one short statement?

Senator DEWINE. sure.

Mr. GAUTHIER. In 1993, I was employed at the National Highway Traffic Safety Administration, and in fact I was the office director in this safety defects investigation who made the decision to open up all the safety defects because I thought this was a problem that needed to be fixed. I was the one who had to get on the phone and persuade the school bus manufacturers that in fact it was a very good idea to do this, and they did.

I will tell you, Senator, that the same dedication to fixing the problem that I had in 1993 while employed at NHTSA, I still have now in the State Directors Association. And as Phil Recht has said, NHTSA is going to do everything in their power to do it, and our association also will do everything we can to solve this problem.

Senator DEWINE. I appreciate it. We are shortly going to be into the normal time when inspections occur, which is in the summer; it is not that far off. And I would just hope that by the time your organization meets—what month is that?

Mr. GAUTHIER. The last 2 days of October.

Senator DEWINE [continuing]. In October—that we have a chart that looks a lot better than this chart does.

As long as we have the red States up there, we are going to have the potential liability and this potential tragedy.

Let me also say, Mr. Schenck, that I think your comments about Mr. Campbell are correct and that part of the problem with Mr. Campbell was that he did not remember all the things that he had done.

Mr. SCHENCK. That is right; he certainly did not. He was so busy, he did not know what he did.

Senator DEWINE. He did not know, and quite frankly, it was not until the local newspaper—I think it was the Gazette—discovered some of the things that he had actually done. He did not supply that to our office or to anybody else, but when you went back and reconstructed it as you did, you found out that he had done more than he had even remembered doing.

Mr. SCHENCK. The truth is he had done his job, and he took a bad hit, and that is unfortunate in that particular case.

Senator DEWINE. We thank you all very much for your testimony. I do not know what your schedules are, but we do have several other panels to discuss not this specific issue but related issues, so if it is possible for you to stay, if your schedules allow it, we may need you back up here for a moment.

Let me now turn to our third panel. Handrail safety is certainly a major problem, but we should not forget that even if we make

every possible safety adjustment to a bus, accidents still happen, and they will continue to happen, and tragedies will continue to happen unless we pay attention to the need for improved driver training.

We need to do everything in our power to improve the training of our school bus drivers while making sure we do not put yet another unfunded mandate on the States. This issue of the need for better training for school bus drivers came up repeatedly last year in our field hearing in Columbus. In fact one of the questions on our survey of the 50 States when we came up with these results—we had other questions as well—in fact one of the questions on that survey was an open-ended question: "Do you have any suggestions to help improve the safety of pupil transportation?"

Over 60 percent of the responses mentioned improved driver training. So I definitely think we should consider requiring a school bus-specific commercial driver's license.

Our third panel today will discuss in detail the feasibility of this idea. Terry Voy is a school transportation consultant to the Iowa Department of Education. Noel Biery, of the Kickert School Bus Line is a member of the National School Transportation Association. James E. Scapellato is director of the Office of Motor Carrier Safety and Technology at the Federal Highway Administration; Phil Forjan is from the Highway Standards Division of the FHWA.

We welcome all of you, and Mr. Voy, why don't we start with you?

STATEMENTS OF TERRY L. VOY, SCHOOL TRANSPORTATION CONSULTANT, IOWA DEPARTMENT OF EDUCATION, DES MOINES, IA; JAMES E. SCAPELLATO, DIRECTOR, OFFICE OF MOTOR CARRIER SAFETY AND TECHNOLOGY, FEDERAL HIGHWAY ADMINISTRATION, ACCOMPANIED BY PHIL FORJAN, HIGHWAY STANDARDS DIVISION, FEDERAL HIGHWAY ADMINISTRATION; NOEL BIERY, KICKERT SCHOOL BUS LINE, INCORPORATED, LYNWOOD, IL, ON BEHALF OF THE NATIONAL SCHOOL TRANSPORTATION ASSOCIATION; AND W. MARSHALL RICKERT, EXECUTIVE VICE PRESIDENT, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

Mr. VOY. Thank you, Senator. I have submitted my written statement——

Senator DEWINE. We will make your entire testimony part of the record, and of course, for every witness today, we will make your formal testimonies part of the record and will invite you to summarize and proceed however you wish.

Mr. VOY. Thank you, Senator. First of all, I want to thank you, Senator DeWine, and members of your staff and the committee for allowing me to express a few concerns that I and several of my colleagues have had throughout the Nation regarding the national commercial driver's license program.

Prior to April 1, 1992, the effective date of the CDL regulations, the school transportation industry expressed mixed feelings about this program and its application to the school bus driver population. Many school bus drivers and school officials viewed this as penalizing a category of motor vehicle operators, particularly the

school bus driver, that has historically and statistically provided the safest form of motor vehicle transportation in the world.

I am sure the degree of concern throughout the United States depended upon each State's current motor vehicle licensing program; those already having school bus-specific licensing programs in place had already noted the benefits of such a program and were comforted by the fact that they had been given in the final regulations the ability to continue to include school bus operator-specific licensing procedures.

In States having few licensing requirements for truck and bus drivers, for these States to comply with the proposed rules would require a major change in their driver licensing programs requiring considerable legislative and program funding commitments.

The National Association of State Directors of Pupil Transportation Services, of which I am a member, and its membership of State-level individuals and agencies responsible for pupil transportation services in each of the 50 States recognized early on the vast differences in the way school bus drivers were licensed throughout the Nation.

Based on input from drivers and their employers, we could see that the CDL regulations may be unpopular with school bus drivers; however, the safety advantage of exposing school bus drivers on a national level to a uniform set of valid, vehicle-specific knowledge and skill tests seemed a prudent safety countermeasure, particularly as our driver population has become increasingly more mobile.

Unfortunately, in our zealousness for uniformity, we may have lost sight of a very unique knowledge and skill level demand that is placed on the school bus drivers of our 400,000 school buses in the Nation by licensing them solely on the basis of passenger capacity and gross vehicle weight rating of the vehicle they drive.

And although the final CDL rules did give States flexibility in their ability to "check that the vehicle in which the applicant takes his or her test is representative of the vehicle group the applicant has certified that he or she operates or expects to operate," many States, including my own, have chosen to adhere to the basic Class A through C vehicle classifications based on gross vehicle weight rating of the vehicle, whether it has a vehicle combination attached to it, and the passenger capacity of that vehicle that they operate.

Doing this, however, treats the operator of an 84-passenger transit-style bus the same as that of the operator of a 40-passenger commercial motor coach. Granted, some aspects of the two vehicles' components as far as their parts are similar in function and operation, and some of the general operational skills, such as turning and backing, are probably very similar. However, there are also very dramatic differences.

The charter coach operator transports and must deal with adults and supervise children from point to point over long distances and generally over paved highway surfaces. The school bus operator must deal with an entirely different population that includes students ranging in age and abilities from preschool to high school, some possessing disabilities that range from mild to severe, over all types of roadway surfaces and terrain.

The student management abilities of drivers may not be a licensing issue that can be addressed from an operational standpoint. However, ironically, I can recall one passenger endorsement, knowledge test question based on information contained in the Essex Corporation's Model Driver's Manual for Commercial Vehicle Driver Licensing, which formed the basis for many CDL study guides and driver instructional programs throughout the country. The question dealt with the issue of an onboard disruptive passenger.

The test question was worded something like: "A disruptive passenger may be asked to leave the bus at what location?"

The correct answer was: "At the next scheduled stop."

Common sense would hopefully prevail with the school bus driver in that you cannot simply put a child off at the next scheduled stop unless that happens to be the home of the child or at the school.

Other bits of required knowledge necessary for a school bus driver include: What are some hazardous materials that you cannot support on buses? The answer, of course, is Class A poison, tear gas, more than 100 pounds of solid Class B explosives—which would infer you can carry up to 100 pounds on a school bus—again, not a bit of information that our school bus drivers probably need to have.

Another question dealt with what is a standee line. This is a line, obviously, within the compartment behind which passengers must stand. Again, recommended safe riding practices for school bus passengers is that they remain seated at all times while the vehicle is in motion. I know of no school buses that have a standee line.

The point is that school bus drivers who, for the vast majority, drive a school bus as a part-time position have and continue to have difficulty seeing the purpose or relevance of committing to memory knowledge of the subjects I have just mentioned and others that have little or no relevance to the safe operation of a school bus.

The most obvious difference between the school bus and other forms of passenger-carrying commercial vehicles is that the school bus, in nearly all States, is given the ability to stop to take on or discharge passengers on the traveled portion of the roadway. Yet the CDL skill test in many States including my own do not have a school bus operator-specific skill test exam and therefore do not require that a prospective school bus operator demonstrate that he or she knows how that procedure is accomplished.

I should say they do have a skill test exam, but it does not include the loading and unloading procedures for the operation of the specialized warning lamp system.

The knowledge of and proper use of specialized warning lamps and stop arm systems, student crossing gates and specialized emergency escape doors, windows and roof hatches should in some way be addressed with a potential school bus driver before being licensed to transport the Nation's 23 million school children daily.

I am in no way suggesting that motor vehicle licensing authorities assume the training responsibilities for our school bus driver population. School and contractor employers do have a responsibility to adequately prepare potential school bus operators to safely perform the duties necessary to safely transport students. Yet we

all know that training and in-service prior to a driver taking his or her CDL knowledge and skills exam varies dramatically from State to State.

For example, in Iowa, a school bus driver applicant must obtain a CDL applicable to the class of vehicle he or she will drive, however, they must also carry a separate school bus operator's permit that is issued by my agency, the Department of Education. The school bus operator's permit is based on the applicant's ability to obtain a commercial driver's license for the class of vehicle they will drive and that they meet established physical and mental qualifications.

The new applicant must enroll in our entry-level school bus driver training program; however, they have to complete the training program within the first 6 months of employment, which means they could possibly have driven a school bus for up to 6 months without having formal classroom instruction, unless that instruction is being given at the local level.

Senator DEWINE. Mr. Voy, let me interrupt you, and I hesitate to do this, but I think it is very important that we get the big picture here, and for a lay person, this is sort of like jumping into the middle; it is like I walked into a movie that is about half over. So I would invite anyone to jump in here, but I will start with you, Mr. Voy—and everyone will have an opportunity to make their statements in a moment—but explain the big picture here. If I want to drive a school bus in "x" State—use your own State if you want to—walk me through how this is done. What is the State involvement, and what is the Federal involvement?

Mr. VOY. OK.

Senator DEWINE. Real simple, now.

Mr. VOY. OK. Basically, the applicant approaches the school district and requests a driving position for the district. The first thing they must do in my particular State is obtain a commercial driver's license. That, in most instances, and we hope in all instances, would mean that the local school district prepares the drivers, gives them an opportunity to familiarize themselves with the vehicle, operate the vehicle before they go down with the vehicle to the examining station to obtain their commercial driver's license.

Senator DEWINE. OK. In the State of Iowa, then, how is that administered—is this a national test, is this a State test? How does it work?

Mr. VOY. This is a State motor vehicle driver licensing test that is an approved program by the National Highway Traffic Safety Administration; the CDL license is an approved program.

Senator DEWINE. Mr. Scapellato, please jump in here at any time. Could you two just go back and forth and explain this for me quickly so we can get it on the record. I want to know what your involvement is as far as the CDL test. Do you set standards? How does it work?

Mr. SCAPELLATO. OK. In 1986, Congress passed the Commercial Vehicle Safety Act, which was a very prescriptive piece of legislation. That charged the Department of Transportation and specifically the Federal Highway Administration with establishing national uniform standards for the testing and licensing of commer-

cial vehicle operators. And a subgroup of that would be the school bus operators.

We went through rulemaking, and it took about a 6-year period to get the whole program in place. That established national testing and licensing standards and also mandated that each State adopt through State legislation corresponding testing and licensing standards to ensure uniformity across the country.

The deadline for all State adoptions of those uniform standards was April of 1992. All States met that deadline and were now implementing a State program because the States are the licensing entity consistent with those State standards.

Senator DEWINE. So in Iowa, I do not take the same test that I would take in Ohio, then, but how would you describe it? Describe for me how uniformity is achieved or what is the end result?

Mr. SCAPELLATO. The States are required to follow a uniform testing and licensing procedure. That is regulatory. So the content areas for the testing are uniform across the country. The different types of questions could possibly be different, but that is controlled through our work with our State partners and the American Motor Vehicle Association.

Senator DEWINE. So it is not 100 percent uniform in the sense that I am not taking the identical test.

Mr. SCAPELLATO. That is correct.

Senator DEWINE. But the objectives as set forth by you are supposed to be uniform nationwide.

Mr. SCAPELLATO. That is correct.

Senator DEWINE. And the general categories are the same.

Mr. SCAPELLATO. That is correct; content-specific areas are the same.

Senator DEWINE. Content-specific. OK. Now, again, staying with the big picture, who has to get a CDL?

Mr. SCAPELLATO. Any person who is in commerce, meaning driving commercial motor vehicles on highways, that fall into three categories, and I will try to simplify rather than go to a technical definition.

Senator DEWINE. OK.

Mr. SCAPELLATO. Large trucks with large trailers, meaning 26,000 pounds or greater with a trailer 10,000 pounds or greater; large trucks with smaller trailers, meaning a 26,000-pound truck with a 10,000-pound or less trailer; any vehicle that is designed to transport 16 or more passengers including the driver; and the last category is any size vehicle that is carrying hazardous material in quantities sufficient to be placarded.

Those are the statutory and regulatory groups.

Senator DEWINE. You have now defined who has to get a CDL. Are there any subcategories in that? In other words, if I have a commercial driver's license, do I have a commercial driver's license, or are there subcategories?

Mr. SCAPELLATO. There are endorsements that go along with the CDL. For example, you can get a hazardous material endorsement; you can get a passenger endorsement, which the school bus operators would be required to have.

Senator DEWINE. So if I want to take hazardous material, I have to have that endorsement.

Mr. SCAPELLATO. That is correct, if you want to transport hazardous material in a commercial vehicle.

Senator DEWINE. Now, let me make sure I understand this. Is it fair to say there is a general CDL, and then I get down into the specific?

Mr. SCAPELLATO. That is correct, in terms of the cargo that is being transported.

Senator DEWINE. OK. Now let us say I want to drive a school bus. So all I have to do is come in—and what happens?

Mr. SCAPELLATO. Under the existing requirements, the person would have to obtain a passenger endorsement. That would enable that individual to drive a school bus, and if the person elected to, he or she could also drive other types of passenger vehicles such as a transit bus, such as an airport shuttle bus, those other kinds of vehicles designed to transport 16 or more persons.

Senator DEWINE. I could drive a Greyhound?

Mr. SCAPELLATO. You would take a test for CDL for that class grouping—most likely it is a Group B vehicle—with a passenger endorsement. A Group B vehicle is a vehicle 26,000 pounds or more and designed to transport 16 or more persons.

Senator DEWINE. OK. So is the answer yes or no? I am just trying to understand. Let us say I got my license last year to drive a school bus. Will that also enable me to be hired to drive an over-the-road Greyhound bus?

Mr. SCAPELLATO. Yes, if it is in the same vehicle grouping, which would be a Group B vehicle.

Senator DEWINE. Based on weight.

Mr. SCAPELLATO. Weight and articulation points, yes, sir, that would enable that individual to do that activity as well.

Senator DEWINE. Mr. Voy has described what I think he would say is a problem or an issue that we ought to look at, which is that some of the questions that are asked may not be too specific to school buses. In fact, the examples he gave would indicate that what you would do on a school bus would be just the opposite of what you might do if you were driving some other form of transportation where you were hauling people for hire.

Do you agree; is that a problem?

Mr. SCAPELLATO. Let me answer it this way. For the testing to meet the national standards, we created vehicle groups with certain endorsements. For a passenger endorsement, there could possibly be questions within the pool that school bus operators would have to answer that would not necessarily be exactly pertinent to school bus operations, and Mr. Voy did cite some of the examples that could possibly be asked by a State of an individual being tested for a passenger endorsement.

The passenger endorsement includes all types of passenger carriers, meaning school bus, transit, for-hire or contract motor coach-type carriage, and also school bus, of course.

Senator DEWINE. So depending on the weight, it basically includes a shuttle at the airport, for example, where I get on and somebody takes me out to the plane on this little shuttle that carries 15 or 20 people—that would be under the same category as a school bus?

Mr. SCAPELLATO. For passenger endorsement, that is correct.

Senator DEWINE. For passenger endorsement, yes. I have to have passenger endorsement to drive a school bus, right?

Mr. SCAPELLATO. That is correct.

Senator DEWINE. And what else would be an example and would fall into the same category?

Mr. SCAPELLATO. Transit bus operators, Greyhound, for example, which you cited; private carriage—the church bus that takes parishioners to, for example, Disney World. That individual bus, if it is designed to transport 16 or more passengers, would be covered for CDL. Airport limousines, shuttle services to airports would be different classes that would require a passenger endorsement.

Senator DEWINE. Now, your national standards that you insist the States comply with—your partners, as you have described them—what do those include besides a written test? Does this includes hours behind the wheel? What is uniform and what is not uniform? What do you leave up to the States to determine, and what do you all impose or work with them on?

Mr. SCAPELLATO. Sir, let me try to answer that. First of all, the regulatory framework parallels strictly the statutory framework. The CDL Act of 1986 was a very prescriptive piece of legislation, requiring 22 mandatory items. So the regulations are based on that particular foundation.

Working with our State partners as well as the industry through the rulemaking, we came up with a regulatory framework and a State framework that would achieve the following—and I need to make one very important distinction. CDL is a testing and licensing standard; it is not a driver training standard.

Senator DEWINE. And that is very important for us to understand.

Mr. SCAPELLATO. Very important.

Senator DEWINE. Good. Thank you.

Mr. SCAPELLATO. So that for purposes of getting the license, there are numerous processes a driver would have to go through. First of all, they would have to apply for the license, and that requires a certification on their part saying that they have a single license, that they have not had a disqualification, revocation or cancellation on an existing license, that they meet the Federal motor carrier driver qualifications to drive a commercial motor vehicle, meaning certain medical requirements. And with that certification, there is a corresponding burden placed on the State to verify the certification by checking the driver licensing databases that would have this individual's driving record.

Finally, the individual actually has to take a general knowledge test, and if they elect to take the endorsement, they would have to take a specific test in the endorsement area and pass that with a score of 80 percent or better.

Then, finally, they go out and take a road test in the representative vehicle that they plan to drive, and they must pass the on-the-road skills test as a part of receiving the commercial driver's license.

Senator DEWINE. What if I decide 1 year I want to drive a school bus, and the next year I decide that I want to drive a shuttle? You said I would have to take a test driving that vehicle; do I have to

go back and take another test with that specific vehicle that I want to drive?

Mr. SCAPELLATO. The way we implemented the statutory scheme was to avoid that happening by allowing an individual to take a test—a representative vehicle is a Group A, B, or C vehicle. Group B would be a school bus or a transit bus. And with the passenger endorsement, that meant that you would not have to come back and take the test in the other representative vehicle. They are all within a certain group or classification to avoid individuals being burdened by multiple testing.

Senator DEWINE. OK. If I could summarize—and please, anyone feel free to jump in here—your national standards do not get into an issue such as you have to have had "x" number of hours behind the wheel.

Mr. SCAPELLATO. That is correct.

Senator DEWINE. You do not tell the State it has to have some certification that this person—let us just make something up—has driven with an experienced driver who has a CDL for 20 hours, or something like that; you do not get into any of that?

Mr. SCAPELLATO. That is correct, Senator. Let me add something if I may, sir. Under a congressional mandate, we undertook a study, and that study has been completed to fulfill the congressional mandate, looking at how the private sector is providing training to commercial vehicle operators, including school bus operators. That study has been completed, and we submitted the report to the Congress.

In that particular study, we looked at whether entry-level driver training was being adequately dealt with by the private sector. The conclusion of the report indicates that the private sector training is not adequate. We plan to publicize that study in the Federal Register and to get public comment on it before going to rulemaking, should that be the ultimate decision.

Senator DEWINE. I want to make sure I understand that. You said the private sector training?

Mr. SCAPELLATO. Right.

Senator DEWINE. How does that fit with a school bus driver in Ohio, or Louisiana or—pick a State.

Mr. SCAPELLATO. As you pointed out, CDL is not a testing and licensing standard. So that by doing the study, we also looked at a training aspect to meet another congressional mandate. Where this translates is that right now, training is a function of the employer——

Senator DEWINE. The school district, in most cases.

Mr. SCAPELLATO. The school district. If the school district elects to require certain kinds of prerequisite training prior to receiving an application for an individual to drive a school bus, right now, that is a function of the school district as opposed to a State or Federal requirement.

Senator DEWINE. How, then, does your study that you have summarized for us pertain to that issue?

Mr. SCAPELLATO. As a part of that study, we are being asked to consider whether there is a need to go to formal rulemaking mandating entry-level driver training.

Senator DEWINE. And your conclusion was what?

Mr. SCAPELLATO. The study indicates that the private sector training that we examined, one of which was school bus, has not adequately dealt with the demand for the training. That is the conclusion of the study, and we are seeking more public comment on our study, including the methodology of the study and the study findings by publishing it in the Federal Register.

Senator DEWINE. I understand that school buses are only a portion of this, but would I be inaccurate if I extrapolated from what you just said to say that you have found that there is a problem or something lacking in regard to the training of new school bus drivers?

Mr. SCAPELLATO. I do not think we could make that conclusion from this study because the study design looked at how is the private sector meeting a certain demand for various types of commercial vehicle operators from a training standpoint. And from the conclusion, it is saying that right now, the private sector is not adequately dealing with the demand.

Senator DEWINE. Do most school districts use the private sector for training? Is that how it is done? You keep using the term "private sector," and I want to make sure I can relate this or cannot relate this to the school bus issue—if you know the answer to the question.

Mr. SCAPELLATO. I do not know the answer.

Senator DEWINE. OK.

Let us continue, if we could. Mr. Voy, did you complete what you wanted to say? We will have a chance to come back for questions, but I want to make sure we get through everyone here.

Mr. VOY. For now, yes.

Senator DEWINE. OK.

[The prepared statement of Mr. Voy follows:]

PREPARED STATEMENT OF TERRY L. VOY, SCHOOL TRANSPORTATION CONSULTANT

IOWA DEPARTMENT OF EDUCATION

I want to thank you, Senator (DeWine), members of your staff and members of this committee for allowing me to express a few concerns that I and several of my colleagues throughout the nation share regarding the national Commercial Driver's License program.

Prior to the April 1, 1992, effective date of the CDL regulations, the school transportation industry expressed mixed feelings about this program and it's application to the school bus driver population. Many school bus drivers and school officials viewed this as penalizing a category of motor vehicle operators (the school bus driver) that has historically, and statistically provided the safest form of motor vehicle transportation in the world.

I'm sure the degree of concern throughout the United States depended upon each state's current motor vehicle licensing program; those already having school bus specific licensing programs in place had already noted the benefits of such a program and were comforted by the final regulations giving states the ability to continue to include a school bus operator specific licensing procedure. In states having few licensing requirements for truck and bus operators, for these states to comply with the proposed rules would require a major change in their driver licensing programs requiring considerable legislative and program funding commitments.

The National Association of State Directors of Pupil Transportation Services, which I represent here today, and its membership of state-level individuals and agencies responsible for pupil transportation services in each of the 50 states and territories, recognized early-on the vast differences in the way school bus drivers were licensed throughout the nation. Based on input from drivers and their employers we could see that the CDL regulations may be unpopular with school bus drivers, however, the safety advantage of exposing drivers on a national level to a uniform set of VALID vehicle-specific knowledge and still tests seemed a prudent safety

countermeasure . . . particularly as our driver population has become increasingly more mobile.

Unfortunately, in our zealousness for uniformity, we may have lost sight of the very unique knowledge and skill level demands that are placed on the drivers of our Nations 400,000 school buses, by licensing them solely on the basis of the passenger capacity and gross vehicle weight rating of the vehicle they drive.

And although the final CDL rules did give states several flexibilities in their ability to

"check that the vehicle in which the applicant takes his/her test is representative of the vehicle group the applicant has certified that he/she operates or expects to operate" (part 383, section 383.73, paragraph 2, Federal Motor Carrier Safety Regulations)

many states, including my own, have chosen to adhere to the basic Class A through C vehicle classifications based on gross vehicle weight rating, vehicle combinations and passenger capacity in establishing its operator knowledge and skill tests.

Doing this, however, treats the operator of an 84 passenger transit style school bus the same as that of the operator of a 40 passenger Greyhound-type commercial coach. Granted, some aspects of the two vehicle's component parts are the same or similar in their function; and some of the general operational skills such as turning and backing may be similar; but the basic design and purpose of the two vehicles are dramatically different.

The charter coach operator transports and must deal with adults and supervised children from point to point over long distances, and generally over paved highway surfaces.

The school bus operator must deal with an entirely different population that includes students ranging in age and abilities from pre-school to high school; some possessing disabilities that range from mild to severe. The student management abilities of drivers may not be a licensing issue that can be addressed from an operational standpoint, however, ironically, I can recall one passenger endorsement, knowledge test question based on information contained in the Essex Corporation's Model Driver's Manual for Commercial Vehicle Driver Licensing, which formed the basis for many CDL study guides and driver instructional programs throughout the country. The question dealt with the issue of an onboard disruptive passenger. The test question was worded something like:

A disruptive passenger may be asked to leave the bus at what location?

Answer: The next scheduled stop. Common sense would hopefully prevail with a school bus driver, in that you can't simply put a student off at the next stop unless the next stop was the student's home or the school site.

Other bits of required knowledge necessary for the operator of a passenger carrying vehicle include such information as:

1. What are some hazardous materials that you cannot transport on buses?

Answer: Class A poison, tear gas, more than 100 pounds of solid Class B explosives, which would infer you can carry up to 100 pounds of such explosives. Again not applicable to the operation of a school bus.

2. What is a standee line?

Answer: Line within the driver's compartment behind which passengers must stand. Again, recommended safe riding practices for school bus passengers is that they remain seated at all times while the vehicle is in motion. I know of no school buses that have a standee line.

The point being that school bus drivers, who for the vast majority drive a school bus as a part-time position, have and continue to have difficulty seeing the purpose or relevance to committing to memory knowledge of the subjects I've just mentioned and others that have little or no relevance to the safe operation of a school bus.

The most obvious difference between the school bus and other forms of passenger carrying commercial vehicles is that the school bus, in nearly all states is given the ability to stop on the traveled portion of the roadway to take on or discharge passengers. Yet, the CDL skill test in many states, including my own, do not have a school bus operator-specific skill test exam and, therefore, do not require that a prospective schoolbus operator demonstrate he or she knows how that procedure is accomplished.

The knowledge of and proper use of specialized warning lamp and stop arm systems, student crossing gates, and specialized emergency escape doors, windows and roof hatches should, in some way be addressed with a potential school bus driver before being licensed to transport the nation's 23 million school children daily.

School and contractor employers DO have a responsibility to adequately prepare potential school bus operators to safely perform the duties necessary to safely trans-

port students. Yet we all know that training and inservice prior to a driver taking his or her CDL knowledge and skill exams varies widely throughout the nation.

For example, in Iowa, a school bus driver applicant must obtain a CDL applicable to the class of vehicle he or she will drive, however, must also carry on their person a "School Bus Operator's Permit" issued by my agency, the Department of Education. The School Bus Operator's Permit is based on the applicant's ability to obtain a commercial driver's license for the class of vehicle they will drive and that they meet established physical and mental qualifications.

This new applicant must enroll in and complete an entry-level school bus driver training program as programmed by the Department of Education within the first 6-months of employment. Therefore, a new school bus driver applicant could possess a CDL to operate a Class B charter coach, apply for a school bus operator's permit from my office and if all physical qualifications are met, begin driving a school bus immediately without ever having set behind the wheel of a school bus up to six months prior to having completed the required classroom instruction.

We feel that our school and contractor owners are more responsible than to allow this scenario to occur and we are working diligently through our rule making process to require that school bus drivers demonstrate to employers basic school bus operational knowledge and skills prior to application for a "School Bus Operator's Permit", but must recognize that a potential problem now exists.

Prior to April 1, 1992, Iowa did require a school bus driver to demonstrate his or her ability to properly operate the special lighting and stop arm system of a school bus by simulating student pick-ups for license examiners. Since the adoption of standardized skill testing maneuvers, which increased the skill testing time necessary for examiners, a school bus driver is no longer required to demonstrate their proficiency in the use of this special equipment.

The Iowa Department of Education conducted nearly 200 inservice sessions with school bus drivers prior to the April 1, 1992, CDL implementation deadline to familiarize them with the purpose of the CDL legislation and to review with them CDL study materials in preparation for the knowledge and skill test exams. Then and today, I am quizzed by drivers as to application of much of the information they are required to know in order to obtain their CDL.

I certainly am not condemning Iowa or any other state's motor vehicle licensing authorities for adopting and complying with the strictest of interpretations of the commercial driver license regulations. I was a participant in a state-sponsored multi-disciplinary task force to discuss and recommend legislation implementing Iowa's CDL legislation, thinking that general uniformity of commercial operator licensing across the nation was and still is desirable.

However, uniformity without making the licensing process fully applicable to the type and purpose of the vehicle's operation, particularly with respect to the operation of a schoolbus does not get us to the desired safety level we and all parents of this nation expect. We think we can do better.

Therefore, the National Association of State Directors of Pupil Transportation Services would support the adoption of national guidelines for a school bus operator-specific commercial driver's license.

Thank you for permitting me to share our thoughts on this subject.

Senator DEWINE. Noel Biery, of the Kickert School Bus Line. Good morning.

Mr. BIERY. Good morning, Senator.

From your recent comments here, I think you are more interested in talking about the "blocking and tackling" aspects of school bus licensing under the CDL than my prepared remarks.

Senator DEWINE. Well, that is not necessarily true. Quite frankly, I often find in these hearings, which are broadcast, that we get so far into the weeds, and we assume that people know things, and usually that is not true. I think that is the biggest problem we have in Government today with communication. I was trying to back out of the weeds a little bit and look at the big picture, so I was trying to build a house and talk about what CDLs are, which you all know, and assumed everybody knows, but everybody does not necessarily know that unless they are involved in that. So I would invite you to proceed however you wish to proceed. We are looking today in this panel at a very big issue, and that is the big

issue of the training and the retraining and the retraining of school bus drivers, because even though we focused in our first and second panel on a very precise mechanical problem, we know that the biggest problem and the biggest number of lives that are lost every year are lost because of driver error. That is true with our own passenger vehicles, and it is true with school buses as well.

So that is the background, but this panel should feel free to discuss the whole issue of training, and do not worry about how my questions focus. I will come back and get into your area later.

Mr. BIERY. Well, my area is the same area, and at least for the moment, let me leave my prepared marks "in the weeds," as you described, and speak to some of the things that you asked questions about as to what really happens.

I am here as a member of and immediate past president of the National School Transportation Association, which is private sector contractors that provide service to school districts, regular school transportation. But along with that, I still, after many years of doing this, drive a school bus on a regular basis, and I am a publicly-elected member of the school board.

I think it is important to do a couple of things here. First, I would like to speak to Mr. Scapellato's report on his own study. The use of the terms "private sector" and "inadequate" I am afraid could create an unfortunate impression. There were three categories in his study that were examined for the adequacy of testing. Those were heavy trucks, motor coaches, and school buses.

The final conclusion of his study was that of the three, the school bus category training was better than the other two, and the recommendation was that if the Federal Government decided to get involved in the mandatory training of any of the categories that they should begin with heavy trucks because the problem is much more serious there, then go on to motor coach training, and implied if money were left and they continued to go further, then they could consider school buses.

I think his study did, as he described, a good job of evaluating in a short term, broadly, and we were rather pleased with the results. We can always do better, and I think everybody in the business does do better.

Now, on the issue of the CDL and its impact on school bus drivers and school bus operations, most of my remarks in this respect were very similar to Mr. Voy's. The CDL is excellent. It has been a real contributor to providing a credential that verifies the skill level of drivers, and in the school bus end of the business certainly it does the same thing, except that what we have to do is to teach to the test. They have to get this credential, and they have to pass the test, and the test is designed to produce truck drivers.

You asked for specific examples of what applies and what does not apply. One of the major road test examination features is backing a school bus up to a loading dock, and that skill has to be so exact that the rear of the bus must be no closer than one foot from a line on the ground which represents the loading dock. Now, we pick up in our company no children at loading docks, but that remains in there.

The type of thing that is omitted that does not occur is how to make a school bus stop at a railroad crossing. Now, I am from Illi-

nois, and in Illinois, we just had a national tragedy that involved exactly that skill and that judgment. What it all boils down to is that we feel that the operation of the school bus is unique, not so much what the chassis is and how it operates on the road—those are certainly skills that have to be there—but what happens in and around the school bus and how much control a school bus driver has with respect to the safety of the children in its operation.

I think a common recommendation would be that the skill of backing up to a loading dock might be omitted and replaced with how to make a school bus stop at a railroad crossing. Right now, that is not possible.

However, in Illinois, we have put a lot of effort into this to try to work within the parameters of the Federal requirements for the CDL, and we have gotten great cooperation from the Illinois school board, the State board of education, and the Secretary of State's office. It used to split this function. You described earlier that there are split functions in different States. We were able to persuade, through our trade association in Illinois, the State board of education to relinquish the school bus driver's permit to the Secretary of State's office so that the two could be combined in a CDL.

With the Secretary of State's office, we helped them develop a complementary testing program with the Secretary of State's regular CDL requirement which has the Federal requirements included in it, which they refer to as the "J-48." When an applicant comes in, we teach to the J-48, which is a school bus driver-specific CDL that also meets the Federal requirements of the CDL and is only valid when used to drive a school bus—not a transit bus, not an over-the-road coach, but a school bus—and the driver also has the school bus driver permit.

It has been wonderful. It is very effective. It helps us decide in an interview process whether someone might see a school bus driving job as a career opportunity that could be rewarding to them and one where they would stay for a long period of time, as opposed to people who come to us because we train for free, get their CDL, and leave immediately to go and drive a truck somewhere else.

This is an important thing. This is a real opportunity to verify through testing whether the training of a school bus driver has been adequate enough or not. Right now, it cannot be determined. CDL testing only will tell you whether the training to be a truck driver is adequate for that school bus applicant. We have to take them back and teach them how to be a school bus driver after they have passed the test for the CDL.

What I was going to suggest here today is that you are going to hear many excellent suggestions for school bus safety, and your record of being concerned about this issue is well-known. What we would like to suggest, the National School Transportation Association, is that we work with you and with other people who are involved in the private sector, the NAPT, which is the public sector trade association, and the Federal Government, to develop a recommendation that could be presented to the Congress and to the DOT on an alternative or an enhancement to the CDL that would provide a unique school bus-specific CDL that is uniformly offered and tested to in all 50 States.

We would be happy to cooperate in that, and we are happy to suggest it. Beyond that, I would thank you for asking us to be here today.

[The prepared statement of Mr. Biery follows:]

PREPARED STATEMENT OF NOEL BIERY, MEMBER

NATIONAL SCHOOL TRANSPORTATION ASSOCIATION

Chairman DeWine and Members of this distinguished Committee, I appreciate the opportunity to present testimony on an issue which suggests no easy answers, but one that must be addressed if we are to achieve our shared interest in ensuring safe operation of our nation's yellow school bus fleet.

My name is Noel Biery and my appearance before you today flows from my deep convictions about modifications that should be made in this national commercial drivers license program, or CDL. My views on this important subject certainly reflect the standing policy of the National School Transportation Association, of which I am proud to be a member and immediate past president. But they also capture many of the concerns that have been raised by pupil transportation professionals across the spectrum including school districts, school transportation contractors, state directors of pupil transportation and their associations. I am also a past president of the Illinois School Transportation Association and served on our state's Board of Education Pupil Transportation Advisory Board. For nearly 25 years I have been associated with Kickert School Bus Line, Inc. Today, I am the General Manager of this company which operates 200 yellow school buses. While I understand school transportation well as a manager, I also bring the perspective of one who to this day drives a bus and also serves as an elected member of the local school board.

The Commercial Motor Vehicle Safety Act of 1986 established that school buses shall be considered commercial motor vehicles if they are designed to transport more than 15 passengers, or the vehicle weighs 26,001 pounds or more (GVWR) or is determined by the Secretary of Transportation to pose a safety risk. The CDL program and testing regimen sought to establish minimum federal standards for licensing, testing, qualifications and classification of commercial drivers. Unfortunately, these minimum standards have proven to be insufficient in the school transportation industry, and today we call for special qualifications and licensing restrictions for school bus drivers.

The CDL law was built on the rationale that a classified license system administered by the states would rely on uniform minimum standards to ensure licensing consistency from state to state concerning minimum training, minimum testing, and minimum qualifications. While we extol the benefits of the CDL system and regard it as a significant step toward improved commercial motor vehicle safety, we must now reach beyond minimum standards and expectations for our nation's yellow school bus drivers. The lowest common denominator approach to licensing this safety sensitive workforce is simply not good enough in transporting our nation's most precious cargo, 25 million school children each day.

We are calling on the Congress to require that a federal schoolbus-specific CDL with special restrictions be adopted, and that a driver may not operate a higher classification vehicle without additional testing and licensure. The CDL testing regimen requires knowledge of only basic concepts. Further, states were given discretion under the law to administer tests appropriate to their particular circumstances. This is one instance where flexibility and state discretion has yielded a patchwork quilt of practices which fails to meet the critical test of public safety. While some states may require residents to meet licensing standards that are more stringent than the federal minimum standards, others have done little (if anything) to build on the federal minimum standards and achieve higher levels of safety.

We have simply underestimated the complete diversity in the way that states administer the CDL program and augment it to meet their own needs. There is no consensus on what the state standards applicable to school bus operation should be, and thus we must explore model state programs and draw from each of them the best elements that might reasonably and practicably constitute a new set of federal standards for school bus operations. The best features of those state systems that require an additional "S" endorsement must now be incorporated into the national standards.

A recent NSTA survey of state driver qualification requirements illustrates the problem. Only 14 states require a separate school bus endorsement in order to drive a school bus, including the State of Ohio. Requirements for these endorsements vary

widely in areas such as training, physical examinations, refresher course work, and criminal checks. Of the 14 states, only 6 pose additional written test questions specific to that endorsement.

Let there be no doubt that school transportation is far and away the safest form of surface transportation in our country. The most recent data available from the National Highway Traffic Safety Administration (NHTSA) for the year 1994 reveals that less than 0.4 percent of the 428,000 fatal traffic crashes were school bus related. On average, only 11 school bus occupants are killed each year in school bus-related traffic crashes and only 31 pedestrians. This, after transporting almost 24 million school children, 4 billion miles each year. While we strive for a zero tolerance threshold on serious injuries and fatalities, we are proud of our industry's exemplary record of safety which has resulted in a steady downward trend of serious injuries and fatalities over the past decade.

To ensure that all school bus drivers are qualified professionals, it is necessary to develop specialized licensing standards that apply only to school bus drivers, much as the law provides for drivers transporting hazardous materials. An adequately prepared driver is the best accident prevention tool. While the CDL has undoubtedly improved the professionalism of our nation's commercial truck and bus drivers and reduced accident rates, special certification requirements and license restrictions are needed for school bus drivers.

Just as hazardous materials drivers are presently required to take a written test that has specialized questions pertaining to the transportation of hazardous materials, we believe it is high time that school bus drivers be required to demonstrate such specialized proficiencies as well. The current CDL system has served the public interest adequately, but we must press for better. This crazy quilt pattern that varies widely from state to state is precisely what the CDL program sought to limit in the first instance. What it did, however, in the name of flexibility, was to establish a second tier endorsement system (or in some states none at all) which is as disparate as the varied state classification system which preceded the CDL. The system today simply fails to adequately train drivers for the vehicles they are going to drive and for the critical mission they serve.

What we advocate is more narrowly classified licensing. We believe that the license of a driver of a school bus should be vehicle specific. We believe that a qualified motorcoach driver does not automatically acquire competencies to operate an 18-wheel freight-carrying combination truck. Conversely, a qualified truck driver does not automatically possess the skills essential to operation of a school bus. Driver proficiency, therefore, should be demonstrated in the precise class of vehicle to be operated.

The actual written test should eliminate questions which do not pertain to the mission of school bus driving at all (such as backing up to a loading dock), and insert in their place school bus-specific questions. We must ensure that all states are including school bus-specific questions in their written tests and school bus-specific maneuvers in their road tests. These might include: additional activities as part of the pre-trip inspection routine (such as alternately flashing signal lights, crossover mirrors, and emergency exits); and some designated number of school bus-specific maneuvers to the standard road test (such as a railroad crossing, or a simulated student loading or unloading procedure).

Legislation offered by Sen. Frank Lautenberg and Rep. Jim Traficant calls for establishment of new proficiency standards for all school bus drivers. We applaud the spirit of this recommendation, and believe that our proposal for a school bus-specific CDL is a logical outgrowth of stepped-up specialized training and proficiency demonstration. Training, in fact, should be considered an integral part of the skill verification process. An adequate training program, which would incorporate many of the school bus operation proficiency standards spelled out in this pending federal legislation, should be considered a prerequisite to the granting of a school bus-specific CDL.

Many states currently require extensive training. To offer a sense of just how rigorous the training requirement is in some states, Pennsylvania requires completion of 20 hours of instruction, including 14 hours of classroom instruction and 6 hours of vehicle familiarity and driving instruction (in-bus training). Other states such as Tennessee require less classroom time and up to 50 hours of actual behind-the-wheel instructional time.

Complimentary to the modified CDL program I have described, we propose that any holder of a school bus-specific CDL not be permitted to operate a commercial vehicle in a higher classification without additional training and testing as specified by DOT. The reason for such a restriction is two-fold: we need a well-trained and dedicated corps of experienced school bus drivers in our country; and we also must stem a stunning trend in many areas that routinely lures ambitious drivers from

this expert workforce to take on full-time responsibilities behind the wheel of another commercial bus or truck which their CDL entitles them to operate. This, I believe, is one of the unintended consequences of the CDL law. If allowed to continue, we will quickly find ourselves with a depleted workforce and some commensurate degradation of safety in our industry. Many states are already experiencing chronic driver shortages, and we risk leaving many buses idled and students stranded if this trend is not addressed.

Contractors and districts alike across the nation provide new school bus driver applicants extensive training and behind-the-wheel experience in advance of CDL testing. This can consume weeks and significant funds, all of which is lost when that newly licensed CDL operator leaves for better opportunities, sometimes with barely any time served at the wheel of a yellow school bus. In fact, a recent survey of members by NSTA revealed that 41 percent of drivers trained by contractors obtained a CDL and then left their positions in short order to work for another company seeking CDL operators. This is an astonishing percentage, and federal attention is required now.

To those that will insist that the states will be unduly burdened, I would point to the actual experience to date. Some states have appealed to FHWA in the past for changes in the skills test and were denied approval. Some states have reported that they have had to actually downgrade their own requirements so as to conform to the federal CDL program even though the law purports to provide states the latitude to improve on the federal minimum requirements. These skills tests, many states have argued, should be made more specific for school buses. States are also seeking federal help to reduce the exodus from school transportation by drivers recently trained and licensed so as to establish a more stable school bus driver work force. Under the modified system we have proposed, drivers would have to choose a vehicle type in which they want to be trained, tested, and employed. If an upgrading of that specialized and restricted license required additional testing (at least road testing) and perhaps additional training and fees, it would seem that a desirable chilling effect on "CDL vehicle jumping" would be established.

My own State of Illinois provides perhaps one of the most helpful models. A school bus CDL with a so-called "J-48" restriction limits commercial motor vehicle operation to a school bus only, and must be used within classification and is only valid when accompanied by a valid Illinois school bus permit. In other words, this restrictive CDL cannot be used for operation of a charter bus or any other bus or truck. One can, however, upgrade a school bus CDL to a regular CDL at any time if desired. Illinois is also currently working with the federal government to modify the written and behind-the-wheel tests administered to school bus applicants.

Some will argue that our call for a school bus-specific CDL is tantamount to an unfunded mandate on the states which would still administer the modified program. Such an assertion is simply preposterous. I challenge anyone to demonstrate how our approach would impose additional costs beyond those very modest one-time implementation costs that could be anticipated. To the degree there are any such front-end costs at all, we propose they be offset with existing Motor Carrier Assistance Safety Program (MCSAP) or other highway safety grant funds. When the Congress reauthorizes the Sec. 402 grant and MCSAP grant programs next year in ISTEA, why not provide either an earmark to support this important new program initiative, or explicit guidance to the states in the distribution of those funds. Given the very positive impacts that can be expected in the form of a better trained and more experienced school bus driving force with a resulting reduction in serious injuries and fatalities, these expenditures should be viewed as de minimus and will undoubtedly produce other beneficial effects for our nation's economy.

Paperwork burdens would similarly be minimal since DOT has ample experience with developing written and road tests for commercial drivers, and state DMV's could readily adapt their written and road tests to meet the new federal requirements we call for.

Finally, if this new federal school bus-specific CDL were tied in with the conduct of a federal criminal background check, states' efforts to obtain this critical information would be easier. NSTA heartily endorses legislative calls for a federal criminal background check provided that available technology ensures that results are provided in a timely manner. Excessive delays in processing these criminal checks, as is the rule today, only exacerbate problems we have in many areas in recruiting and retaining new drivers.

In the spirit of the original CDL legislation, Congress should not prescribe the precise testing regimen or administrative procedures to be employed by the states in implementing these proposals. We advocate the creation of a joint government-industry task force to discuss solutions to the current licensing problems we have described, and to develop an implementation plan. The task force should report its

findings and recommendations jointly to the Congress and DOT within one year from the date of enactment of the legislation we envision, with a requirement for a mid-course assessment to be provided as well.

Again, I thank you for your remarkable leadership on many important school bus safety issues, and look forward to working closely with you in the weeks ahead as you attempt to fashion legislation around the many laudable recommendations you will have heard today.

Senator DEWINE. Well, I appreciate that recommendation and would ask all of our panelists for a quick reaction to it, whether that is something that is doable. You have heard the various comments.

Mr. Voy, could we start with you?

Mr. VOY. Senator, I agree whole-heartedly with Mr. Biery, and I think our association would parrot his offer to work with your committee and with NHTSA to come up with a recommendation in that area.

I do not think we are looking for a big thing here. What we want to do is validate the training that is actually taking place now and some excellent training that is taking place by both our contractor operators and our school district operators. We just want to make sure through that test that the training has been validated. We are certainly not going to give up our responsibility to train the drivers.

Senator DEWINE. And I appreciate that. Wouldn't you, however, also agree that while there are many good things going on, one of the consequences of a test is that you do have to teach to that test to some extent, and you have to cover certain things, and having this national standard that does to some extent at least focus on all the talents and skills and thought processes that have to go for a good school bus driver would bring about some uniformity?

Mr. VOY. Yes, I agree.

Senator DEWINE. Let me ask you, Mr. Scapellato.

Mr. SCAPELLATO. Senator, as you know, Secretary Pena and my administrator, Rodney Slater, have said safety is our number one priority within the Department of Transportation. We have many initiatives going on to improve CDL effectiveness, to improve the CDL because we believe it is an outstanding program, as my colleagues at the table have already testified to. We are also doing a lot of work in the area of driver training to meet the mandates. We have a lot of forums going on, and we have outreach. So we would welcome any opportunity to work with our partners, the States, the industry, school districts, in any of those forums or any other forum to arrive at the best solutions to improve our safety posture across the country.

Senator DEWINE. Thank you.

Mr. Rickert, we have been ignoring you, and I apologize for that. As the audience can see, Mr. Holmes is not here, but you are here from the motor vehicle association. We would appreciate it if you could give us your testimony and your thoughts, and feel free to summarize and we will make your full statement a part of the record. And if you want to also in your comments respond to anything that we have already talked about, you may do that as well.

Mr. RICKERT. I have been itching to respond and also to endorse what has been introduced previously.

Mr. Holmes' written statement is in the record in its entirety. He is en route right now from Indiana and obviously has not arrived yet, so I am covering for him.

My name is Marshall Rickert, and I am executive vice president for the American Association of Motor Vehicle Administrators. The association is an organization that represents State and provincial officials in the United States and Canada responsible for the administration and enforcement of laws pertaining to motor vehicles and to driver licensing activities.

Much of the statement that we put in the record has been previously discussed, and I have heard nothing that I am in disagreement with so I am not going to read it. There were two points that the previous speakers stressed and we whole-heartedly endorse. One is the need for a greater level of training for operators of school buses. There are, as the previous speakers pointed out, numerous aspects of safely operating a school bus that differ from other forms of passenger vehicles and certainly differ from other forms of commercial vehicles.

The second point that has been recommended and we again support with some qualifications is the possibility of creating a new commercial driver licensing class for school bus operators. We do not oppose that. Our organization participated from the onset of the commercial driver licensing program in developing classification standards to try to test for as many specific skill areas as possible, and it was simply the need for some uniformity and some streamlining of the testing process that eliminated a lot of different test techniques that would specialize in very narrow areas of commercial vehicle operations.

But the testing and licensing in and of itself in a vacuum is at best an indirect way of getting at the problem. It is costly, and I would be remiss if I did not point out that a mandate to create a new classification would cost the States substantial money, and although it samples knowledge, it does not thoroughly test it.

As Mr. Biery pointed out just now, if a test is developed, the inclination absent independent training requirements would simply be to teach to the test questions, and I am not sure that that would be effective in and of itself.

Senator DEWINE. Excuse me for interrupting. No matter what the test is, isn't that a consequence? In other words, we have today school bus drivers who are taking a test. They have already taken a test. Isn't there, at least to some extent, a teaching toward that test, and if that is true, why in the world shouldn't the driver that is taking my child in the morning be tested toward skills that apply to keeping my child safe instead of skills that apply to keeping a bag of corn or wheat safe? Maybe I am missing something here.

Mr. RICKERT. We support the test procedures. The point I am trying to make is that absent a requirement for specific training, individuals can simply read a manual or gain knowledge in advance of test questions and pass the test.

We believe the test procedure will support the safe operation of a school bus, but more direct and more important is the training program——

Senator DEWINE. Yes, and I do not disagree with that at all. We do not have magic wands here in Congress, though. I mean, in school bus safety which, by the way, I think needs to be stated again, is the safest form of transportation that I am aware of per mile, per individual; I do not know of anything that is safer, at least if you compare it with auto transportation. We do not want anyone coming away from this hearing thinking the best thing they can do for their child is to take their kid to school. That is not true. Statistically, your child is going to be a lot safer on a bus than if you take that child to school, and certainly that child is going to be a lot safer than if you allow your 16-year-old to drive to school. That is what the statistics are. So I want to make that very, very clear.

But even though it is clearly the safest form of transportation, as a parent, I want some assurance that the person who picks up my child in the morning has been tested toward the skills necessary for driving that school bus.

Now, as I said, if I had a magic wand, I would skip the test and go directly to the training. If I could have one thing, I would have more training. But I do not have the wand up here, so we are going to have to go at this in a different fashion.

I would like you to address the issue of if we are doing testing anyway, and the Federal Government is mandating some testing anyway, why don't we get a little more specific if we are going to do it?

Mr. RICKERT. We endorse that, and one of the major points I want to make is our commitment to work with others here at the table and certainly with our elected officials to develop a better commercial driver's license testing program.

The other endorsement is the endorsement of more training. Only 28 States according to our numbers actually train school bus operators now. That means 22 do not. And certainly the establishment of a training requirement in conjunction with a more specifically focused area of test questions for commercial driver's licensing is our view of the best solution.

Senator DEWINE. That sounds like a very good summary to me.

Let me just ask a question on the statistics you just cited. You said 22 States do not train. Does that mean 22 States as States do not train, or does it mean they may require training and they just do not do it themselves?

Mr. RICKERT. Our records show that only 28 States require school bus operators to be specifically trained to operate school buses. All the jurisdictions, all of the States and the District of Columbia require the commercial driver's license including the passenger endorsement.

Senator DEWINE. But can we assume that 22 States do not require any training from—in other words, if I go in to get my license, in 22 States, I do not have to prove that I have gone through a course, even if it is a nongovernmental course.

Mr. RICKERT. That is our assumption.

Senator DEWINE. That is your understanding of what those figures mean.

Mr. RICKERT. Yes, sir.

Senator DEWINE. That is certainly a shocking statistic. Do you have that list with you?

Mr. RICKERT. I can get it for you.

Senator DEWINE. Why don't you submit it, and we will make that part of the record, because I think anyone who wants to understand how their State is doing should know whether their State requires any training or not.

Mr. RICKERT. I would be happy to send that, Senator.

[Information follows:]

Requirements for License / School Bus	Age	Age school bus permit issued	Fee	Valid for	Written test	Driving skills test	Vision test	Medical examination	Driver record check	Criminal history check	Driver training (hrs.)	Other
Alabama	YES	18 MIN	$15.00	4	YES	YES	YES	NO	YES	NO	NO	NO
Alaska	YES	21 MIN	$3.00	1	YES	YES	YES	YES	YES	YES	YES	NO
Arizona	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Arkansas	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
California	YES	18 MIN	$34.00	4	YES	YES	YES	YES	YES	YES	25	All Applicant
Colorado	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Connecticut	YES	18 MIN	$8.00	4	YES	YES	YES	YES	YES	YES	10	NO
Delaware	YES-CDL	18 MIN	NA	1	YES	YES	YES	YES	YES	YES	12	NO
District of Columbia	YES*	18 MIN	$5.00	1 year	YES	YES	YES	YES	YES	YES	NA	NO
Florida	YES	18 MIN	$8.00	5	YES	YES	YES	NO	YES	NO	NO	NO
Georgia	YES	18 MIN	$10.00	1	YES	NO	YES	NO	YES	NO	NA	NO
Hawaii	NO	NA	NA	NA	YES	YES	YES	YES	YES	YES	1	NO
Idaho	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Illinois	Mason	21 MIN	$4.00	1	YES	YES	YES	YES	YES	YES	4	NO
Indiana	NR	NA	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Iowa	NO	NR	$5.00	1	NO	NO	YES	YES	YES	NO	18	NO
Kansas	YES	NA	NA	NR	NR	NR	NR	NR	NR	NR	NR	NR
Kentucky	YES	21 MIN	$11.00	3	YES	YES	YES	YES	YES	NO	NO	NO
Louisiana	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maine	YES	21 MIN	$10.00	1	YES	YES	YES	YES	YES	NO	NO	NO
Maryland	NO	18 MIN	NA	NA	NO	NO	NO	YES	NO	NO	NO	need CDL
Massachusetts	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Michigan	NO	NR	$0.00	2	NO	YES	YES	YES	YES	YES	20	NO
Minnesota	YES	18 MIN	$2.50	License life	YES	YES	YES	YES	YES	YES	30	NA
Mississippi	YES	17 MIN	$15.00	4 mos.	YES	NO	YES	NO	YES	NO	NO	NO
Missouri	YES	21 mn/70 mx	$3.00	3	YES	YES	YES	YES	YES	YES	NO	NO
Montana	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nebraska	YES	18 MIN	$0.00	1	YES	YES	YES	YES	YES	NO	NO	NO
Nevada	YES	21 MIN	$20.50	1	YES	NO	YES	YES	YES	NO	NO	NO
New Hampshire	YES	18 MIN	$0.00	License life	YES	YES	YES	YES	YES	YES	6	NO
New Jersey	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
New Mexico	NA	18-20 MIN	none added	4	YES	NA	NA	YES	YES	NA	YES*	NA
New York	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Carolina	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Dakota	YES	NR	$3.00	6 mos.	YES	NO	YES	NO	YES	NO	NO	NO
Ohio	YES	18 MIN	$28.50	5 mos.	YES	YES	YES	NO	YES	NO	NO	NO
Oklahoma	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Oregon	Ed. Dept.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Pennsylvania	YES	18 MIN	$0.00	1	YES	YES	YES	YES	YES	YES	20	NO
Puerto Rico	NO*	21 mn/65 mx	$20.00	5	YES	YES	YES	YES	YES	YES	40	NO
Rhode Island	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
South Carolina	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
South Dakota	YES	18 MIN	$6.00	5	YES	YES	YES	YES	YES	NO	NO	NO
Tennessee	YES	21 MIN	$2.50		YES	YES	YES	NO	YES	NO	NO	NO
Texas	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Utah	YES	21 MIN	$35.00	4 mos.	YES	NO	YES	YES	YES	NO	NO	NO
Vermont	YES	18 MIN	$10.00	4	YES	YES	YES	YES	YES	NO	3	NO
Virginia	YES	18 MIN	$2.50	5	YES	YES	YES	NO	NO	NO	NO	NO
Washington	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
West Virginia	YES	18 MIN	$25.00	4	YES	YES	YES	YES	YES	YES	30	NO
Wisconsin	YES	18 mn/70 mx	$32.00	4	YES	YES	YES	YES	YES	YES	NO	NO
Wyoming	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Alberta	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
British Columbia	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Manitoba	YES	18 MIN	$0.00	need	YES	YES	YES	YES	NO	NO	NO	NO
New Brunswick	YES	21 MIN	$11.00	1	YES	YES	YES	YES	NO	NO	NO	NO
Newfoundland	NR	NA	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Northwest Territory	YES	18MIN	$7.00	1	YES	YES	YES	YES	NO	NO	NO	NO
Nova Scotia	YES	19 mn/65 mx	$60.00	1	YES	YES	YES	YES	NO	NO	NO	NO
Ontario	YES	21 MIN	$80.00	1	YES	YES	YES	YES	YES	YES	NO	NO
Prince Edward Island	YES	21 MIN	$15.00	1	NO	YES	YES	YES	NO	NO	NO	NO
Quebec	NO	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Saskatchewan	YES	18 MIN	$30.00	3	YES	YES	YES	YES	NO	NO	NO	NO
Yukon Territory	YES	21	10.00	1	YES	YES	YES	YES	NO	NO	NO	NO

Legend: * = see text for verification; NA = not available; NR = no response; X = data inapplicable; DNA = Data not available

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Requirements for License / School Bus	Written test	Driving skills test	Vision test	Medical examination	Driver record check	Criminal history check*	Driver training (hrs.)	Other
STATES								
Alabama	NO	NO	NO	NO	YES	NO	NO	NO
Alaska	NO	NO	YES	YES	YES	YES	NO	NO
Arizona	NA	NA	NA	NA	NA	NA	NA	NA
Arkansas	NA	NA	NA	NA	NA	NA	NA	NA
California	YES	YES	NO	NO	NO	NO	10	Fire Ass cert.
Colorado	NA	NA	NA	NA	NA	NA	NA	NA
Connecticut	NO	YES	NO	YES	YES	YES	3	NO
Delaware			Depends on	with/without	current CDL	license		
District of Columbia	NO	NO	YES	YES	YES	YES	NA	NO
Florida	NO	NO	YES	NO	NO	NO	NO	NO
Georgia	NO	NO	YES	NO	YES	NO	NA	NO
Hawaii	NA	NA	NA	NA	NA	NA	NA	NA
Idaho	NA	NA	NA	NA	NA	NA	NA	NA
Illinois	YES	YES	YES	YES	YES	NO	NO	NO
Indiana	NA	NA	NA	NA	NA	NA	NA	NA
Iowa	NO	NO	YES	YES	YES	NO	3	NO
Kansas	NR	NR	NR	NR	NR	NR	NR	NR
Kentucky	NR	NR	NR	NR	NR	NR	NR	NR
Louisiana	NA	NA	NA	NA	NA	NA	NA	NA
Maine	NO	NO	NO	YES	NO	NO	NO	NO
Maryland	NO	NO	NO	YES	NO	NO	NO	or valid CDL
Massachusetts	NR	NR	NR	NR	NR	NR	NR	NR
Michigan	NO	YES	YES	YES	YES	NO	6	NO
Minnesota	YES	NO	YES	YES	YES	YES	5	NO
Mississippi	NO	NO	NO	NO	YES	NO	NO	NO
Missouri	YES	NO	YES	YES	YES	YES	NO	NO
Montana	NA	NA	NA	NA	NA	NA	NA	NA
Nebraska	YES	YES	YES	YES	YES	NO	NO	NO
Nevada	YES	NO	YES	NO	YES	NO	NO	NO
New Hampshire	YES	NO	YES	YES	YES	YES	6	NO
New Jersey	NA	NA	NA	NA	NA	NA	NA	NA
New Mexico	NO	NO	NO	YES	YES	NO	NO	NO
New York	NA	NA	NA	NA	NA	NA	NA	NA
North Carolina	NA	NA	NA	NA	NA	NA	NA	NA
North Dakota	NO	NO	NO	NO	NO	NO	NO	driving rec.
Ohio	NO	NO	YES	NO	YES	NO	NO	NO
Oklahoma	NA	NA	NA	NA	NA	NA	NA	NA
Oregon	NA	NA	NA	NA	NA	NA	NA	NA
Pennsylvania	NO	NO	NO	YES	NO	NO	NO	NO
Puerto Rico	NO	NO	NO	NO	NO	NO	NO	NO
Rhode Island	NR	NR	NR	NR	NR	NR	NR	NR
South Carolina	NA	NA	NA	NA	NA	NA	NA	NA
South Dakota	NO	NO	YES	YES	NO	NO	NO	NO
Tennessee	NO	NO	NO	NO	NO	NO	NO	in svc. train
Texas	NA	NA	NA	NA	NA	NA	NA	NA
Utah	YES	NO	YES	NO	NO	NO	NO	NO
Vermont	YES	YES	YES	YES	YES	NO	4	NO
Virginia	NO	NO	YES	NO	NO	NO	NO	NO
Washington	NA	NA	NA	NA	NA	NA	NA	NA
West Virginia	NO	NO	NO	YES	NO	NO	18	NO
Wisconsin	YES	YES	YES	YES	YES	YES	NO	NO
Wyoming	NA	NA	NA	NA	NA	NA	NA	NA
PROVINCES								
Alberta	NA	NA	NA	NA	NA	NA	NA	NA
British Columbia	NA	NA	NA	NA	NA	NA	NA	NA
Manitoba	YES	YES	YES	YES	NO	NO	NO	NO
New Brunswick	NO	YES	NO	YES	NO	NO	NO	NO
Newfoundland	NR	NR	NR	NR	NR	NR	NR	NR
Northwest Territory	NR	NR	NR	NR	NR	NR	NR	NR
Nova Scotia	YES	NO	NO	NO	YES	YES	NO	NO
Ontario	YES	NO	YES	YES	YES	YES	NO	NO
Prince Edward Island	NO	NO	YES	YES	NO	NO	NO	NO
Quebec	NA	NA	NA	NA	NA	NA	NA	NA
Saskatchewan	YES	YES	YES	YES	NO	NO	NO	NO
Yukon Territory	NO	NO	YES	YES	NO	NO	NO	NO

Legend: * = See text for clarification NA = Not applicable NR = No response DI = Data incomplete DNA = Data not available

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Senator DEWINE. Let me open it up quickly. We have gotten comments as we have gone along, but I would like to see if anyone has any final comments.

Mr. Biery.

Mr. BIERY. Just one thing on the allusion to the possible unfunded mandate issue. The experience in Illinois with the cost of doing this J-48 thing was that there were some very modest upfront costs and no maintenance costs beyond that.

To the degree that there may be some, we would like to propose that they could be offset with existing Motor Carrier Safety Assistance Program and other highway safety grant funds that are already in place for that kind of thing.

Senator DEWINE. Mr. Scapellato.

Mr. SCAPELLATO. Senator, the only other thing I would like to add is that to be responsive to your request and the committee's request, you asked us to prepare options should the committee elect to do something in this area. We have submitted in our formal remarks to you four options for your consideration.

[The prepared statement of Mr. Scapellato follows:]

PREPARED STATEMENT OF JAMES E. SCAPELLATO, DIRECTOR, OFFICE OF MOTOR CARRIER SAFETY AND TECHNOLOGY, FEDERAL HIGHWAY ADMINISTRATION

It is a pleasure to appear before you today to discuss a program very important to us, that being the Commercial Driver Licensing program, commonly referred to as CDL, and its impact on school bus transportation. Accompanying me at the witness table is Mr. Phil Forjan, a Transportation Specialist in the Office of Motor Carrier's Driver Standards Division. Upon conclusion of my remarks, Mr. Forjan and I will attempt to answer any questions that you may have.

My formal presentation will center around three areas: first, a retrospective view of the CDL program, second, the interface of the CDL program with school bus transportation, and lastly, based on the Committee's request, a discussion of various CDL/school bus options.

RETROSPECTIVE VIEW OF THE CDL PROGRAM

One of the Federal Highway Administration's (FHWA's) key missions is to reduce commercial motor vehicle crashes and resulting fatalities and injuries. To carry out that key mission, the FHWA has set an ultimate goal of creating a crash-free environment where there are zero commercial motor vehicle (CMV) crashes, zero injuries and zero fatalities.

Prior to implementation of the Commercial Driver's License (CDL) program, any person having an automobile license could legally drive a tractor-trailer or a bus in 18 States and the District of Columbia. Although 32 other States had some form of a classified driver licensing system, only 12 of those States required a road skills test in a representative vehicle. The remaining 20 States only required a knowledge test and no road skills test. As a result, many unqualified drivers potentially were operating CMVs throughout the country. Moreover, many of these same drivers compounded the problem by being able to illegally obtain multiple driver's licenses, thereby hiding or spreading convictions for traffic violations among several driving records, thus enabling them to continue to drive.

Under the Commercial Motor Vehicle Safety Act of 1986, much has been accomplished to improve CMV safety through the delivery of the CDL program. The goal of the CDL program is to ensure that drivers of CMVs have the knowledge and skills to drive the vehicle of their choice and have only one license,and to ensure that problem drivers are removed from the highways. To achieve this end, the FHWA, in cooperation with the States, embarked on establishing:

- A national system of uniform licensing and testing for all 50 States and the District of Columbia, and a national network for the exchange of electronic data to monitor on-the-road driver performance, improve timely licensing decisions and provide enhanced customer service.

As a result of this effort, the States have:

- Issued over 7.5 million CDLs meeting the new testing and licensing requirements, of which approximately 742,000 are held by school bus operators. Moreover,

these same drivers are subject to an employer-based alcohol and controlled substance testing program as a result of the mandates contained in the Omnibus Transportation Employee Testing Act of 1991.

The 1986 Act also established minimum national standards that CMV drivers, employers, and States had to meet which:

- made it illegal for a CMV driver to hold more than one license and have more than one driving record;
- made it a requirement for States to adopt testing and licensing standards that ensure that a driver is qualified to operate the type of vehicle he or she plans to operate;
- made it an employer's responsibility to know if an employee had a valid CDL; and
- established a national clearinghouse for the electronic exchange of CMV driving records in all 50 States and the District of Columbia.

To implement the provisions of the Act, the FHWA developed and issued standards for States' testing and licensing CMV drivers. These standards require drivers to obtain a CDL if they are engaged in either interstate or intrastate commerce and drive:

- A vehicle that has a gross combination weight rating (GCWR) of 26,001 or more pounds, inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) of more than 10,000 pounds; or
- A vehicle that has a GVWR of 26,001 or more pounds; or
- A vehicle that is designed to transport 16 or more passengers, including the driver; or
- A vehicle of any size that is transporting hazardous materials in an amount that requires placarding.

In addition to the testing and licensing standards, minimum Federal penalties and sanctions were also developed and issued for CMV drivers, employers, or States that violate any of the CDL requirements.

As part of the FHWA's effort to develop comprehensive driver licensing standards, ideas and comments were solicited from the States, industry, labor and the public through the rulemaking process. In the initial CDL notice of proposed rulemaking (NPRM) in 1987, four vehicle classification groups were proposed:

- Combination Vehicle;
- Heavy Straight Truck;
- Small Vehicle; and
- Bus.

Since buses vary considerably by length of wheelbase and by height and weight, the FHWA raised the concern in the NPRM that the knowledge and skills which are needed to operate a large transit bus may be significantly different from those needed to operate a large van, a small school bus, or a large intercity motorcoach, and requested comments on the feasibility of further subdividing the bus group by passenger capacity or by some other means. Based on comments to the NPRM, the FHWA decided, in the final rule of 1988, to go with a passenger endorsement, rather than a separate bus classification group, which could be superimposed on the three vehicle classification groups. This decision supported the classification of CMVs according to weight and number of articulation points as opposed to vehicle type. This decision was consistent with comments submitted to the docket by the American Association of Motor Vehicle Administrators (AAMVA), the American Automobile Association (AAA), the American Trucking Associations (ATA), and the Highway Users Federation for Safety and Mobility (HUFSAM).

Thus, the three vehicle classification groups established by the final rule are:

Class A with P Endorsement: A large tractor-trailer type passenger vehicle with a GCWR over 26,000 pounds with a towed unit over 10,000 pounds GVWR and designed to transport 16 or more passengers, including the driver; or

Class C with P Endorsement: A large passenger vehicle with a GVWR over 26,000 pounds and designed to transport 16 or more passengers, including the driver; or

Class C with P Endorsement: A small passenger vehicle with a GVWR under 26,001 pounds, but designed to transport 16 or more passengers, including the driver.

THE CDL PROGRAM'S CONTRIBUTION TO SCHOOL BUS SAFETY

In regard to school bus safety, all experts agree that school buses are one of the safest modes of transportation. According to the National Highway Traffic Safety Administration (NHTSA) statistics, between 1984 and 1994, there have been approximately 428,000 fatal traffic crashes. During this 11-year period, less than 0.4 percent of all highway fatalities, or 1,517 deaths, have resulted from school bus re-

lated crashes. This is an average of 138 fatalities per year. Let me emphasize that while this is a relatively small number, any highway-related death, especially that of a school child, is a tragedy, and we are striving to eliminate them all.

NHTSA research and crash data generally indicate that children are at greater risk in school bus loading zones than on board the buses. My colleagues from NHTSA are here today to discuss their research and data on this issue.

As required by the Intermodal Surface Transportation Efficiency Act of 1991, the FHWA recently completed a study to assess the adequacy of CMV entry level training by the private sector. This study evaluated private sector training for heavy trucks, motorcoaches and school buses. The results of the study unfortunately indicate that entry level training for all three types of CMVs is not effective. Prior to initiating a rulemaking on this subject, the FHWA will shortly seek public comment on these study findings by publishing a Federal Register notice of the study availability.

NEED FOR ADDITIONAL FOCUS ON SCHOOL BUS DRIVERS IN CDL PROGRAM

Based on the current CDL standards and the FHWA's ongoing efforts to enhance CDL effectiveness, among other activities, including NHTSA's efforts in school bus specific issues, the FHWA does not believe, at this time, that there is a compelling need for any additional CDL program changes directed specifically at school bus drivers. The FHWA arrives at this conclusion based on the existing requirements that a driver must meet in order to obtain a CDL and passenger endorsement to operate a school bus. These requirements do ensure that school bus operators have the requisite knowledge and skills to operate a school bus safely.

First, the applicant must certify that he or she:

1. Only has one driver's license;
2. Is not subject to any disqualification, suspension, revocation or cancellation;
3. Meets the Federal driver qualification standards, if engaged in interstate commerce; or
4. Meets the State qualification requirements for intrastate commerce; and
5. That the vehicle being used for the driving skills test is representative of the type of CMV that person intends to drive.

Next, the State is required to verify the applicant's certification by checking his or her driving record as maintained by the current State of licensure, the CDLIS and the National Driver Register (NDR).

In addition to passing the general knowledge test given to all CDL applicants on the safe operation and control of a CMV, a school bus driver, like any other driver who intends to operate a passenger vehicle, must pass the passenger endorsement knowledge and skills tests.

Finally, the driver applicant must also pass a driving skills test in a passenger vehicle that is representative of the vehicle classification group that he or she intends to drive. This skills test is usually broken down into three components: pretrip vehicle inspection; basic vehicle control maneuvers; and on the street driving in actual traffic conditions. The applicant must successfully perform all the required skills to pass the test.

Therefore, the FHWA is of the opinion that the existing statutory and regulatory framework for the CDL program provides adequate testing of knowledge and skills for individuals desiring to operate school buses.

AVAILABLE OPTIONS UNDER CDL

The FHWA has been asked by the Committee to discuss various options, should you decide to move forward with a different approach in this area.

Option 1: One possible option would be to submit materials on school bus safety to AAMVA's Test Maintenance Subcommittee for inclusion in the CDL driver manual and require the development of additional questions used for the existing passenger endorsement knowledge test. This is the easiest option to implement since an existing process would be utilized to achieve this purpose. No additional Federal or State legislation or rulemaking would be required and there would only be a small incremental burden placed on the State driver licensing agencies to implement this option. Moreover, there would be no additional burden on the industry or its drivers. However, there is no material advantage to this option since it would merely duplicate the existing requirements contained under the passenger endorsement for the proper procedures for loading and unloading of passengers.

Option 2: A second potential option would be to require a separate school bus endorsement, thereby creating a separate school bus knowledge test. The advantages to this option would be to provide the opportunity to ask more specific school bus related questions and to have a separate section of study material in the driver

manual. The potential disadvantages of this option would be the need for additional FHWA regulations to create the new endorsement and the corresponding burden placed on States to pass State legislation and to modify their existing CDL testing and licensing program to accommodate the new endorsement. It is anticipated, based on comments to the initial CDL rulemaking docket, that many State licensing agencies would oppose this option because of its increased burden. The industry may also oppose this option since employers and drivers would probably incur additional cost in taking the new endorsement test, and it may discourage individuals who want to become school bus drivers or retain such status.

Option 3: A third possible option would be to create a new school bus endorsement, as suggested in option 2, but to require States to issue the school bus endorsement after receipt of a certification presented to them by an employer or driver after the driver has successfully completed school bus specific training from an approved training facility. As one advantage, State licensing agencies would be less resistant to this option since States would be relying on a driver training certification as the basis for issuing the new school bus endorsement. The disadvantages are the same as in option 2 in that a burden would be placed on the States to pass legislation and to modify their CDL licensing program to accommodate the new endorsement. An additional financial burden would be imposed on the employers and drivers to pay for additional training and the upgraded endorsement; in addition, it would discourage those who want to become school bus drivers or retain such status.

Option 4: The last option is to create a new school bus classification. The advantages to this option would be to give prominence to school bus operators by creating the only employment specific vehicle classification group for CDL. The disadvantages for this option are many. FHWA would have to initiate rulemaking to create this new classification group. States would have to pass legislation and significantly modify their CDL testing and licensing program to accommodate the new classification group. It is anticipated that many State licensing agencies would resist the new classification group because of the relatively small accident problem involving school bus operations. But more fundamentally, because the school bus classification would not necessarily be based on vehicle size and weight, it runs contrary to one of the basic principles of the CDL program that individuals be licensed to drive the type and size of vehicle they will actually operate. A separate school bus classification would allows drivers to operate all types of vehicles used as school buses, regardless of size, weight, and the number of articulation points of the vehicle. This would add confusion to the CDL program and could even frustrate its overall safety benefits.

CLOSING REMARKS

The Department shares the Committee's concern for the safety of the thousands of children that travel to school each weekday by school bus. As have outlined for you, our commercial driver's license requirements ensure that school bus drivers have the knowledge and skills necessary to operate school buses safely. We recognize, however, that our ability to address the tragic problem of school bus related injuries and fatalities is limited, because driver licensing is only one part of the solution. School bus driver training that independent of the licensing process and public outreach and educational work are also valuable. While we do not believe that fundamental changes to the commercial driver licensing process are needed, the Department remains committed to working with State and industry partners, including the American Association of Motor Vehicle Administrators, and other interested parties in exploring other ways to make school bus travel even safer. This concludes my remarks. Mr. Forjan and I will be happy to answer any questions that you may have.

Senator DEWINE. Are there any other comments at all? [No response.]

Let me just say that this is an area where, when you talk about school bus safety and in particular the CDL, you get into the jurisdictions of several different committees, and we certain are cognizant of that. We had the opportunity this morning to hear from you on this issue, but I want to make it very clear that there are other committees that do have jurisdiction as well.

With that in mind, I am wondering if you all could in fact get together and come back to us, but also come back to the Congress, with a specific recommendation in regard to the testing issue, realizing that ultimately, the most important thing a State could do

would be to improve its education and its training. I think we realize that. But the testing also has to be one of the component parts, and it would just seem to me that if Congress is requiring a CDL, as we are, and if we are requiring certain things to be done, it just makes sense, when we are dealing with the most precious thing that we have in our lives, which is our children, that we at least test specifically toward the talents, skills, experience and what we know about taking care of those children when they are on a school bus.

Would you all be willing to come back to us in a short period of time with some specific recommendations? We have heard different recommendations today, and it is pretty apparent to me that you are all going in pretty much the same direction, but I wonder if you could fine-tune that and be willing to come back to Congress. You are the experts; we are not.

Mr. VOY. Senator, I can speak for the State Directors Association, and we would be more than happy to work with these gentlemen and their agencies and organizations.

Mr. SCAPELLATO. The same for the Federal department.

Mr. RICKERT. The same for AAMVA, Senator.

Mr. BIERY. And NSTA.

Senator DEWINE. Good. What is a reasonable time in which we could expect you to be able to come back to us with something? Tomorrow is probably too soon.

Mr. SCAPELLATO. Senator, could we discuss this amongst ourselves and submit a written proposal to you?

Senator DEWINE. Yes. That would be great. You are the experts and the talents here. You are probably not going to know any more in 6 months than you know today, so I am just saying that I am looking for a fairly short time frame for coming back to us, but I will not arbitrarily put a time limit on it today.

Mr. SCAPELLATO. And may I ask just one point of clarification—you used the word "testing"; you mean testing as opposed to training?

Senator DEWINE. I am interested in the entire subject. The difficulty that I see based on your testimony is that it seems to me it is going to be easier to have a testing problem dealt with—you can do it quickly and with probably very little cost—versus a training issue which may involve more money. And I do not want one to hold up the other—not that I would in any way discourage you from coming back with a long-term recommendation in regard to training. I just think they tie together, but you can do one. I have been involved in Government for 20 years, and I am a believer in getting done what you can get done right away and then moving along to the next thing after that.

So I want something tangible to come as a result of this discussion today, which I think was an excellent discussion. You all are the experts in this field.

Mr. SCAPELLATO. Thank you, Senator.

Senator DEWINE. Thank you all very much.

Let us now move to our fourth panel, which deals with another issue that was raised at our last hearing. This has to do with the safety of children who ride public transit to school.

Apparently, in California, the figure I am given, and it is frankly hard for me to believe this, but more than 50 percent of the school children use public transportation to get to school.

In virtually every State, though, we are seeing the use of public transit increase. We are seeing it in the State of Ohio as well. We have to remember that school buses, as I pointed out earlier, are still the safest mode of transportation, and that is true because of many, many reasons. The familiar yellow color that warns motorists to exercise more caution is certainly one thing; the flashing lights; the law in every State of the Union that a driver in a car approaching from the front or back of a bus has to stop dead in its tracks when a school bus is loading or unloading—these are some of the things that make school buses a very safe form of transportation.

A couple of years ago in Toledo, a 12-year-old girl was struck by a tow truck right after she got off of a public bus. This is an article which describes the lawsuit that occurred after that. Tragically, several days later, she died of these injuries.

Another 12-year-old, a boy, got off a public bus and tried to cross the street. He was struck by a car and suffered brain injuries.

There is an obvious danger to children who do not ride school buses. There are also some not-so-obvious problems, such as the increased threat of crime against these children. So there are other issues besides the direct transportation safety issue that arise.

We understand the problems facing public transportation today. Even though public transit only consists of 10 percent of the overall transportation budget, it did take a fairly substantial hit in cuts this year.

I would like today to begin some serious discussion and consideration of this growing problem, the growing issue being, quite frankly, how safe are our children when we put them on public transit as we see public transit across this country being used more and more to replace the school buses.

To help do this, we have Ron Kinney, supervisor of the State of California Department of Education School Transportation; Susan Hafner, of the American Public Transit Association; and Kyle Martin, president of the National School Transportation Association.

Mr. Kinney, we will start with you.

STATEMENTS OF RON KINNEY, SUPERVISOR, STATE OF CALIFORNIA DEPARTMENT OF EDUCATION SCHOOL TRANSPORTATION, SACRAMENTO, CA, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES; SUSAN HAFNER, RIVERSIDE, CA, VICE PRESIDENT FOR BUS OPERATIONS, AMERICAN PUBLIC TRANSIT ASSOCIATION; AND KYLE MARTIN, OVERLAND PARK, KS, ON BEHALF OF THE NATIONAL SCHOOL TRANSPORTATION ASSOCIATION

Mr. KINNEY. Thank you, Senator. I am actually here on behalf of the National Association of State Directors of Pupil Transportation Services, and I do work for the Department of Transportation in California.

I would like to thank you and your staff for giving us the opportunity to share with you and the committee some concerns that our

association has regarding school children who are transported certainly by more than one mode of bus transportation. We have talked a lot about the school bus here this morning, but I would like to introduce also that a number of children—in fact, over 2 million children, we believe, and this is kind of a guesstimate on our part—are also being transported by public transit buses that are engaged in what we call school tripper service.

Senator DEWINE. What is the term?

Mr. KINNEY. School tripper service. This is a service that is provided via public transit. It is legal, and it was authorized in 1964 by Congress to permit this type of transportation to occur.

One of the serious inequities that we see is that over the years, Congress and NHTSA have, for a variety of reasons, developed a number of Federal motor vehicle safety standards that are certainly specific to improving the safety of the school bus. I would just like to mention a couple of them here. Standard 111 has to do with the mirror issue on the buses, and we discussed that a little bit today; school bus emergency exists; school bus rollover protection; school bus joint strength requirements; school bus occupant protection, which is our seat compartmentalization system; school bus fuel system integrity, or our caged tanks; and school bus pedestrian safety devices, which just a couple of years ago was adopted as a Federal standard, now going into all new buses throughout the country, requiring the stop signal arms on the side of the buses.

So there has been a lot of attention to addressing trying to improve the school bus to add additional protection for the children who are riding that particular vehicle.

Congress has placed a high priority on the protection of children, and resulting from that are the changes that we just talked about. Also, NHTSA has been extremely involved, and I have a quote here from NHTSA: "Safety standards requiring a higher level of safety performance for school buses are appropriate. We, NHTSA, believe that school children should be transported in vehicles that provide them with the highest levels of safety."

In addition, Highway Safety Program Guideline 17, Pupil Transportation Safety, clearly indicates that a higher degree of safety should exist when children are transported to and from school and school-related activities.

So there has been a lot of work by NHTSA trying to improve upon these particular standards. But right down the hall from NHTSA is the Federal Transit Administration, and they too have a number of standards that guide their particular organization. One of those is the authorization of the school tripper service which in fact is in some part funded—and there are certain restrictions on that, such as when a city transit bus is operating on a regular route and it happens to be going by a school, the bus has to be open to the general public as well as the students who ride that bus. That is happening all over this country, and it has been going on for a number of years, so we know that it is happening.

There are many things that we do not know. We do not know and we cannot get a good handle on some of the accident data—at least, we are not able to do it as an association—and what we are really asking for is to be able to make some comparisons. If in fact we have a goal in this country of providing the safest transpor-

tation for our children, and we know our children are riding on school buses that we have helped to create over the years and on transit buses, there indeed is a double standard for these children.

If in fact the transit bus is okay and is not unsafe, then why do we have the additional safety standards for the school bus? We apparently do not have a level playing field here. If in fact the school bus is the place where the children ought to be, then why aren't we supporting that at the Federal level? Why aren't we providing funding? Why aren't we providing some of the things that we are providing for transit properties for the school bus operations that are probably transporting more public citizens in the United States than the public transit properties are? We are not doing that, and we come to you to share this information with you in the hope that perhaps in the future, we can get some better understanding of this and indeed continue to provide what we believe to be the safest form of transportation for our children.

Thank you.

Senator DEWINE. Thank you, Mr. Kinney.

[The prepared statement of Mr. Kinney follows:]

PREPARED STATEMENT OF RON KINNEY

I would like to thank Senator DeWine and his staff for the opportunity to testily at this important hearing on school transportation safety.

The National Association of State Directors of Pupil Transportation Services (NASDPTS) would like to bring to your attention inequities in Federal laws and regulations that govern school pupil transportation modes, vehicle construction and design standards, and operational standards. Across the United States, millions of school students are transported in two distinctly different types of buses—"Yellow School Buses" and "City Transit Buses." The design and operational requirements by both Federal and state governments have created a double standard for student transportation in America. At issue are conflicting laws, regulations and policies relating to school transportation promulgated by the United States Department of Transportation through the Federal Transit Administration (FTA) and the National Highway Traffic Safety Administration (NHTSA).

As a result of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Highway Safety Act of 1966, as amended, the National Highway Traffic Safety Administration has issued the following safety guidelines and Federal Motor Vehicle Safety Standards (FMVSS):

1. Guideline 17—Pupil Transportation Safety
2. FMVSS 111—Rear View Mirrors
3. FMVSS 217—School Bus Emergency Exits
4. FMVSS 220—School Bus Body Rollover Protection
5. FMVSS 221—School Bus Joint Strength Requirement
6. FMVSS 222—School Bus Passenger Occupant Protection
7. FMVSS 301—School Bus Fuel System Integrity
8. FMVSS 131—School Bus Pedestrian Safety Devices

Additionally, the National Highway Traffic Safety Administration also commissioned the National Academy of Sciences to conduct a study to evaluate school transportation safety and determining the most effective means of further improving the safety performance of school buses. NHTSA followed through on the recommendations in the National Academy of Sciences' 1989 report, "Improving School Bus Safety."

Congress has placed a high priority on student protection by ensuring that school buses meet a higher standard of safety than other types of buses. This is reinforced by the National Highway Traffic Safety Administrations' position that "safety standards requiring a higher level of safety performance for school buses are appropriate. We (NHTSA) believe that school children should be transported in vehicles that provide them with the highest levels of safety." In addition, Highway Safety Program, Guideline 17, "Pupil Transportation Safety", clearly indicates that a higher degree of safety should exist when children are transported to and from school and school-related activities.

School bus operators must comply with many additional laws and regulations that do not apply to public transit buses. School buses are indeed held to a higher standard to ensure that America's young public citizens are provided the safest possible transportation environment. Each day school buses transport more than twenty three-million student passengers amassing more than four billion miles annually. This may well represent the largest public mass transportation system in the world.

Although school buses are recognized by our industry as the safest mode of school pupil transportation, they are not the only type of bus used for school-related transportation. Public transit properties throughout the United States are also engaged in the transportation of school pupils. Title 49, Code of Federal Regulations, Part 605, School Bus Operations, outlines the procedures which public transit properties must follow to provide school pupil transportation and still qualify for Federal funding. However, there are no Federal requirements or guidelines for public transit properties to use school buses when transporting school pupils to or from school or school-related activities. It is unconscionable for the United States Department of Transportation to require stringent safety standards for school bus operators and at the same time promote and fund public transit properties engaged in school transportation via tripper service in buses that do not meet federal school bus safety standards.

Throughout the United States, public transit properties are displacing school buses when schools are forced to reduce or eliminate school bus transportation service due to budget shortfalls. While schools may see this as a windfall, in that it allows the schools to redirect funds used for school bus services to mandated educational programs, we believe the overall cost to the tax payer may increase and at the same time the safety environment provided by school buses has been eliminated.

The National Association of State Director of Pupil Transportation Services believes that all school children should be provided the safest means of school transportation when buses are used; and

When funds are provided to public transit properties engaged in school tripper service, these funds should only be available if school buses are used for such transportation; and

School transportation providers should also qualify for federal funding subsidies on a basis equatable to public transit providers; therefore

We recommend that Congress commission a study to compare the differences between public transit systems and school bus operations in the following areas:

Accident injury data
Driver and carrier requirements
Passenger transportation requirements
Bus construction and design standards
Operating cost/per passenger/per mile/per hour
Government funded/per passenger/per mile/per hour
Unfunded cost/per passenger/per mile /per hour
Government funded capital cost
Note: Government funding means Federal assistance.

Senator DEWINE. Ms. Hafner.

Ms. HAFNER. Good morning, Mr. Chairman. I am Susan Hafner, and I am the general manager of the Riverside Transit Agency in Riverside, CA. The RTA has 346 employees and operates 138 vehicles with an operating budget of $19 million. I appear here today, however, in my capacity as vice president for bus operations of the American Public Transit Association to discuss the use of public transportation by America's students.

We are pleased to have this opportunity to appear before you. Mr. Chairman, I will briefly summarize my full statement, which has been submitted for the record.

The American Public Transit Association is a nonprofit private trade association that represents the North American transit industry. Among APTA's members are more than 400 public and private mass transit systems which carry over 95 percent of those using public transit in the United States. Our 16 Ohio members from Akron to Zanesville reflect the variety of transit systems, large and small, that APTA represents.

At the outset, Mr. Chairman, let me State that we at APTA share your interest in safe transportation of students and are proud of the transit industry's good safety record. We do not believe, moreover, that the use of public transportation by students presents safety issues significantly different from those our public transit systems address on a daily basis. Our concern is for the riding public, regardless of age. Nor are we aware of any data that shows students are subject to particular safety risks in using public transportation services, whether by bus, rail or other conveyance.

APTA estimates that nearly 810 million, or 15 percent, of the 5.4 billion unlinked passenger trips generated annually by public transit are school-related. This does not include trips provided on rail systems, including heavy rail, light rail and commuter rail services.

However, if we assume for the sake of discussion that 10 percent of our annual 2.7 billion rail trips are for school transportation purposes, that would mean an additional 270 million trips.

In addition, I think it is important to keep in mind that although specific figures are not available, the vast majority of these students riding public transit to school are most likely postelementary school students.

As you can see, Mr. Chairman, public transit is indeed directly or indirectly providing a significant service to many local school districts, service at a magnitude that many local school districts could not reasonably provide themselves. In fact, in my home State of California, there are more students riding public transit to school than ride school buses. Currently, in the Riverside area, we are working cooperatively with two school districts, which are the Valle Verde and Lake Elsinore school districts, to share our resources together, with the ultimate goal of providing safe community transportation.

In other areas, school districts have been working with public transit providers as well. for example, in Phoenix, AZ, the City of Phoenix Public Transit Department and the Phoenix Union High School District are preparing to test a single photo identification card that can be used for school services and also pay for transit bus fares.

As I stated earlier, public transit has a very good safety record. According to the National Safety Council, the 1991-93 average death rates related to school bus transportation and transit bus transportation were both an equal and enviable .01 fatality per 100 million passenger miles.

As for transit vehicle safety, all transit buses are manufactured to meet the Federal Motor Vehicle Safety standards promulgated by the National Highway Traffic Safety Administration. They also meet Federal Transit Administration guidelines for fire-resistant construction.

On the operations side, the transit industry is committed to safety. APTA sponsors a number of ongoing programs that deal specifically with public transit safety issues. For example, we have in place a successful rail safety audit program and are now conducting feasibility studies on the establishment of a transit bus safety program. APTA has also instituted the Bus Operator Survey and Selection Program whose participants receive information and training designed to assist them in the recruitment and selection

of bus operators with the ultimate goal of improving the transit system's pool of operators to provide safe, efficient, customer-oriented bus service.

I mentioned earlier that transit vehicles are subject to the safety jurisdiction of the National Highway Traffic Safety Administration. In addition, transit bus drivers are subject to the commercial driver's license requirements administered by the Federal Highway Administration and are subject to mandatory Federal drug and alcohol testing. Further, under Federal Transit Administration regulations in place since the mid-1970's, public transit systems that receive grants from the FTA are expressly permitted to provide tripper service, as my friend Ron Kinney, who is also from my State, referred to. These service student populations, providing that such services are open to the general public. This would also indicate that DOT has no particular concerns about the ability of public transit to provide safe service to students or about the propriety of having students ride alongside the rest of the transit-riding public.

Finally in this regard, I would like to bring to your attention an example provided by our European counterparts. European students routinely ride public transit. According to a 1987 report of the International Union of Public Transport, public transit service is "one of the safest means of school transportation, especially when run as part of the public line operations" and that the "same safety standards as those applying to line operation vehicles should be adequate for" school transportation.

Let me conclude, Mr. Chairman, by addressing the role of public transit in local government policymaking. As we all know, all across the country, States, localities, school districts and transit authorities are all under intense pressure to make the most of scarce and shrinking resources. This reality, however, presents us with a tremendous opportunity. Partnerships between transit and other public agencies, including school districts, and between transit systems and private businesses, can better leverage public investments and provide the engine for private economic growth. Moreover, these partnerships can foster a renewed sense of community—a commitment we have discovered is vital to our local and national well-being.

Thank you, Senator DeWine, for providing us this opportunity to present the views of the American Public Transit Association and the public transit industry on this important topic. I would be happy to answer any questions you or others may have.

Thank you.

Senator DEWINE. Thank you very much.

[The prepared statement of Ms. Hafner follows:]

PREPARED STATEMENT OF SUSAN HAFNER

Good morning, Mr. Chairman and members of the committee. I am Susan Hafner, General Manager of the Riverside Transit Agency, Riverside, California. The RTA has 346 employees and operates 138 vehicles with an operating budget of $19 million. I appear here today, however, in my capacity as Vice President for Bus Operations of the American Public Transit Association, representing APTA and the public transit industry to discuss the use of public transportation by America's students. We are pleased to have this opportunity to appear before you.

BACKGROUND ON APTA

The American Public Transit Association is a private, non-profit trade association that represents the North American transit industry. Established in 1882, APTA has more than 1,000 members, including local public transit systems, manufacturers and suppliers, and consultants to the transit industry. More specifically, APTA includes among its members more than 400 American public and private mass transit systems, which carry over 95 percent of those using public transit in the United States. Our membership in Ohio reflects the fact that APTA represents a variety of transit systems, large and small; our members include transit systems in Canton, Columbus, Piketon, Cleveland, Grand River, Akron, Dayton, Middletown, Zanesville, Kent, Cincinnati, Steubenville, Toledo, Lebanon, Youngstown, and Wooster.

STUDENTS AND MASS TRANSIT

At the outset, Mr. Chairman, let me state that we at APTA appreciate and share the interest of the Committee, the school transportation community and the public in the safe transportation of students. We are proud that the transit industry's safety record is a good one. We do not believe,moreover, that the use of public transportation by students presents safety issues significantly different from those our public transit systems address on a daily basis. Our concern is for the riding public, regardless of age; we are in the business of providing safe and efficient public transportation on a daily' basis to our customers. Nor are we aware of any data showing that students are subject to particular safety risks in using public transportation services, whether by bus, rail or other conveyance.

STUDENT-RELATED TRANSIT TRIPS

APTA estimates that nearly 810 million or 15 percent of the 5.4 billion unlinked passenger trips generated annually by public transit buses are school related. This does not include trips provided on rail systems, including heavy rail, light rail, and commuter rail services. However, if we assume for the sake of discussion that 10 percent of the annual 2.7 billion rail trips are for school purposes, that would mean an additional 270 million trips.

As you can see from these numbers, Mr. Chairman, public transit is indeed directly or indirectly providing a significant service to many local school districts—service at a magnitude that many local school districts could not reasonably provide themselves. In fact, in my home state of California, more students ride public transit to school than ride in school buses. Ron Kinney, the California Director of Pupil Transportation, has indicated that school districts have considered local transit agencies as a cost effective alternative to providing their own transportation services.

In other areas, school districts have been working directly with public transit providers to coordinate activities. For example, in Phoenix, Arizona, the City of Phoenix Public Transit Department and the Phoenix Union High School District are preparing to test a single photo identification card that can be used for school services and also pay for transit bus fares. Under the pilot system, students will be able to "pass" or "run" the cards, which will have bus fare information included on magnetic strips, through the reader on the bus farebox. The recorded information will be compiled and the school district then billed on a monthly basis.

I would like to raise another point on the issue of the scope of transportation services provided. Although specific figures are not available, I think it is reasonable to state that the vast majority of students riding public transit to school are post-elementary school students, and most likely, mainly high school or junior high students. This distinction is important to keep in mind as we all consider the issues involved in the safe transportation of students.

TRANSIT SAFETY

This leads me to the issue of public transit safety. As I stated earlier, public transit has a very good safety record. According to the National Safety Council, the 1991–93 average death rate related to school bus transportation and transit bus transportation were both an equal and enviable .01 fatality per 100 million passenger miles.

As for transit vehicle safety, all transit buses are manufactured to meet the Federal Motor Vehicle Safety Standards promulgated by the National Highway Traffic Safety Administration, and are subject to the safety enforcement jurisdiction of NHTSA. They also meet Federal Transit Administration Guidelines for fire resistant construction.

On the operations side, the transit industry is committed to safety; APTA sponsors a number of ongoing programs that deal specifically with public transit safety issues. For example, we have in place a successful rail safety audit program, and are now conducting pilot evaluations of bus transit systems to assess the feasibility of establishing a usable bus safety program for the transit industry. As this latter effort progresses, APTA would be willing to consider any data or other information interested parties may wish to provide us with on transportation of the public, including school students. APTA has also instituted the Bus Operator Survey and Selection Program; its participants receive information and training designed to assist them in the recruitment and selection of bus operators, with the ultimate goal of improving the transit system's pool of operators to provide safe, efficient, customer-oriented bus service.

APTA also annually sponsors a bus operators' roadeo, a competition that tests and measures a bus driver's skill behind the wheel, knowledge of safety regulations, and knowledge of bus equipment used. The roadeo emphasizes the important role our bus operators play in providing our passengers with safe, reliable transit service. Similarly, APTA sponsors a bus maintenance roadeo, a competitive test of a bus driver's skills and abilities to safely troubleshoot and inspect a bus for mechanical defects.

FEDERAL AGENCY OVERSIGHT

I mentioned earlier that transit vehicles are subject to the safety enforcement jurisdiction of NHTSA In addition, transit bus drivers are subject to the Commercial Drivers License requirements administered by the Federal Highway Administration, and are subject to mandatory federal drug and alcohol testing in the following situations: pre-employment, post-accident, on the basis of reasonable suspicion, and random testing.

Further, the Federal Transit Administration, in implementing its school transportation regulations, provides implicit approval for the role of public transit in school transportation. Under FTA regulations in place since the mid-1970s, public transit systems that receive grants from the FTA may not provide exclusive school transportation services. This restriction was adopted for economic reasons having to do with the ability of local school bus service providers to compete with publicly funded transit systems for contracts for student transportation service, and not for any safety related reasons.

Moreover, transit agencies are expressly permitted under the FTA regulations to provide "tripper service" serving student populations, provided that such services are also open to the general public. This would seem to indicate that the Department of Transportation has no particular concern about the ability of public transit systems to provide safe service to students, or about the propriety of having students ride alongside the rest of the transit-riding public.

EUROPEAN EXPERIENCE

Finally, in this regard, I would like to bring to your attention the example provided by our European counterparts. "Yellow" school bus service, as we are familiar with it here in the United States, is not widely used in Western Europe. Rather, European students routinely ride public transit. According to the 1987 Report of the 47th International Congress of the International Commission for Regional Transport, of the International Union of Public Transport (known by its French acronym, UITP), "For many regional transport undertakings, school children represent by far the largest group of passengers." The UITP report goes on to identify public transit service as "one of the safest means of school transportation, especially when run as part of public line operations" and to note that the "same safety standards as those applying to line operation vehicles should be adequate for" school transportation.

COOPERATION AND PARTNERSHIPS

Let me conclude, Mr. Chairman, by addressing the role of public transit in local governmental policy making. As I noted earlier, public transit is providing service at a magnitude that many local school districts could not reasonably provide themselves. This situation is unlikely to change; as we well know, all across the country, states, localities, school districts and transit authorities are under intense pressure to make the most of scarce and shrinking resources. For may communities this means closer cooperation between transit agencies and school systems.

This reality, however, presents us with a tremendous opportunity. Partnerships between transit and other public agencies, including school systems, and between transit systems and private businesses can better leverage public investments and

provide the engine for private economic growth. Moreover, these partnerships can foster a renewed sense of community: a commitment we have discovered is vital to our local and national well-being.

Thank you Senator DeWine for providing us this opportunity to present the views of the American Public Transit Association and the public transit industry on this important topic. I would be happy to answer any questions you or other members of the Committee might have.

Senator DEWINE. Mr. Martin.

Mr. MARTIN. Thank you, Senator DeWine. I have some prepared remarks, but in the interest of trying to articulate the challenge here, I think I will depart from those.

I represent the National School Transportation Association, or NSTA, and we represent the private providers of school transportation across the country. We have about 350 members, operating a little over 100,000 vehicles.

My past jobs include being president of Mayflower Contract Services, which provided 7,000 school buses in 28 States and about 2,000 operators providing transportation for various transit authorities and public agencies, for a total of 9,000. So I have operated in both environments.

In the school bus business, we have done a poor job of articulating what we see as the fundamental challenge. We have talked too flippantly about safety. Most recently, our association is adopting principles of looking at these issues, and we have concluded that regulation of this industry needs to be passenger need-based and not vehicle-based.

Transit operates from a very basic presumption that the passenger is responsible for his or her actions. And school transportation has been developed presuming the passenger is not necessarily responsible for his or her actions. That is the fundamental difference here. It is not an issue whether school buses are safer than transit buses. It is the issue of what best serves the needs of the passenger.

I would argue that if we turned the problem upside-down in that fashion, the title on your chart is wrong. It should say "Student Transportation Safety," not "School Bus Safety," and we should ask all the transit authorities, Have you looked at your handrails, if we are truly interested in student transportation instead of school bus safety. That is where we have gotten crossed up here.

Ron and I, in our zealous pursuit of these issues, sometimes disagree on things, but I agreed with everything he said. If we look at it from the perspective of the passengers, then we can get to these answers much more readily. But as long as we continue to base CDL on the vehicles and not the passengers, and as long as we continue to base school bus safety instead of student transportation safety, we will make these mistakes, and we will run afoul of one another as we pursue the best answer for our different publics.

Thank you.

[The prepared statement of Mr. Martin follows:]

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Prepared Statement of Kyle Martin, President,
National School Transportation Association

Chairman DeWine and Members of the Committee, my name is Kyle Martin and I appear before you today in my capacity as president of the National School Transportation Association (NSTA). I am also associated with Laidlaw, Inc., the nation's largest school transportation contract services company, and prior to its recent acquisition by Laidlaw Transit, Inc. I served as president of Mayflower Contract Services which operated in 28 states with 200 locations.

NSTA is the national trade association for the contractor-owned and operated yellow school bus fleet, about one-third of the nation's 400,000 school buses. NSTA has long been at the forefront of advancing safety in our industry, which enjoys the best safety record of any mode of surface transportation. Today, more than 24 million school children are driven some four billion miles per year on school buses at a cost in excess of $11 billion dollars.

NSTA represents more than 350 member firms engaged in pupil transportation in all 50 states and Canada. As school districts struggle with shrinking federal, state and local resources, they are increasingly seeking to privatize various functions from food to janitorial services to pupil transportation. Our members offer a full range of assistance to school districts such as the provision of vehicles in full compliance with applicable federal and state requirements, drivers carefully screened and rigorously trained, vehicle maintenance, sophisticated routing services, fueling and storage. Our membership includes small operators with as few as one bus, as well as larger companies operating thousands of buses in multiple states.

I am extremely proud that NSTA is the leading national advocate for school bus safety and has worked closely with our member firms and school districts alike to pursue advances in the design, performance and operation of school buses. NSTA also works with districts to better educate school children, parents, and citizens on the importance of school bus safety and the measures by which it can be enhanced. Our paramount interest, and one never to be compromised, is the safety of the school children transported each school day in our country to and from school and school-related activities. If there is an accident or injury, whatever the circumstances, we want to learn from that incident and do all that we can to ensure that it will not be repeated again.

It is in the spirit of this unwavering commitment to excellence that I come before you today. We seek the aid of the Congress in pressing the Federal Transit Administration (FTA) to engage in more vigorous enforcement of federal law and regulation which flowed from actions of the 93rd Congress. It was then and should remain the intent of Congress today that where at all possible and practicable, school children be transported to and from school in a yellow school bus that was designed for that critical mission. The yellow school bus remains the safest, most efficient, secure and responsible way for us to provide school transportation in this country.

I would request that an August 1998 letter from the bi-partisan House Transportation and Infrastructure Committee leadership to FTA Administrator Linton on this subject be made a part of the hearing record. I regret to inform you that the response to this and subsequent inquiries to FTA were most unsatisfactory.

Before proceeding, let me first provide some background on this vexing issue which is fast becoming a pattern of non-compliance that requires congressional attention.

In 1974, the Congress enacted a new federal law, commonly referred to as the St Germain Amendment, which expressly prohibited school bus operations by federally-assisted public transit agencies in competition with private school transportation contractors. Prior to receipt of federal capital assistance, a transit operator must

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certify that it is not engaged in operations exclusively for the transportation of students and school personnel when private operators are available for provision of such services. Violation of this federal prohibition would result in a loss of capital assistance provided by Section 9 of the Federal Transit Act.

Regulations which have flowed from the St Germain Amendment do provide for a very carefully defined exception to these limitations. If specific guidelines are adhered to, so-called "tripper service" may be provided by local transit operators. The term is defined as "regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of school children and personnel using various fare collection and subsidy systems .... Buses used in this type of service must therefore be clearly marked as being available to the general public, must stop only at regular service stops, and their routes must be included in the public schedules of the operator."

This body of law and regulation provide economic protection for private school bus operators who would otherwise have to compete with federally-assisted public transit operators in providing school transportation services to local school districts. Further, these restrictions ensure that the integrity and efficiency of local transit operations will not be compromised. Were transit operators able to engage in the provision of school transportation, regularly scheduled transit service to the public would no doubt be impacted.

An Emerging Trend of Non-Compliance

Over the past several years, there has been a disturbing trend evidenced which seriously undermines the intent and spirit of the St Germain Amendment and the "tripper service" regulations. Some transit operators are engaging in dedicated and exclusive school bus service, and others are violating "tripper service" regulations by making significant modifications to their route system to accommodate schoolchildren without proper public notification and oftentimes improperly restricting public boardings.

Not only are such activities in absolute contravention of federal policy, they pose a serious threat to the physical safety and well-being of school children using transit vehicles to travel to and from school. Yellow school buses enjoy the best safety record of any mode of surface transportation, and afford school children the full range of safety design and operational features inherent only in a school bus. The driving public has come to recognize yellow school buses, the extended stop signs, the red and yellow flashing lights, and the required stopping distances during boardings and unloadings. These and many other distinguishing features of the exterior of a school bus all contribute to a safety setting far superior to that afforded by transit buses.

Further, the interior features of the bus are designed to achieve optimal safety, drivers are specially trained and attentive to the individual and special needs of students, and never endanger school children by permitting strangers to board the bus. In short, only the yellow school bus provides the type of safe, protective and caring environment that most parents and educators have properly come to expect. Let me be clear on one point though. I am not at all suggesting that transit vehicles are patently unsafe. Rather, I am expressing what I think we all recognize - that is the superior safety features offered by the yellow school bus for the particular mission it was designed to perform.

Transit vehicles fail to meet most of the standards established by the National Standards for School Transportation, developed at the Twelfth National Conference on School Transportation. School children forced to travel to and from school aboard a transit bus are subjected to substandard vehicles, drivers with substandard qualifications, and substandard service.

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Particularly disturbing is an emerging policy of the American Public Transit Association calling on the Congress to grant greater flexibility to transit operators in receipt of federal subsidies to engage in exclusive school transportation services. Such calls must be resisted and the safety of the nation's 24 million school children again made the paramount concern. We understand that new ridership and marketing programs are necessary, and to be encouraged, but forays into school transportation must be closely monitored and the highest possible safety standards maintained at all times when school children are among that ridership.

Funding cuts for education at all levels of government are now forcing many school districts to reexamine spending priorities. A growing number of districts are eliminating school bus service altogether, and others are seeking to impose fees on parents for utilization of school transportation services. Yet others are extending the distance within which children must walk or find some other means to get to school. These fiscal realities have only served to force more students onto transit buses.

We recognize there will continue to be arrangements made between mostly urban-based school districts and transit agencies for provision of reduced fare media for students availing themselves of the regular fixed route bus or rail service to get from home to school and back. We have no problem with such arrangements as long as they are within the letter and intent of the guiding law and regulations. Right here in Washington, DC this practice has and should continue, but Washington Metro has in no way sought to engage in dedicated, exclusive school transportation or in any way violated the tripper service regulations.

I would now offer some case studies which help illustrate the more egregious violations that concern us.

Case Study One -- Flint, Michigan

The Metropolitan Transportation Authority of Flint, Michigan has taken over all school bus transportation services for that city's public school system. In so doing, the public transit agency displaced a private contractor and has, without question, violated federal laws and regulations governing such matters as evidenced by the following:

- MTA operates exclusive school bus service and the general public is strongly discouraged by drivers from boarding such buses.

- Routes are not advertised, as required, as part of the regularly published fixed route bus schedule. Rather, these school bus routes are listed separately as secondary routes, and students are picked up and dropped off at points where no MTA designated bus stop exists.

- The MTA only operates this service, largely with school bus vehicles painted white, during school hours. Its fleet of buses are clearly dedicated to school bus operations and have markings and signage which makes clear their intended purpose. Noteworthy is use of the word "student" in the markings since the Federal Transit Administration has cited other transit operators for violations because such markings exclude the general public from utilizing the service.

It is critical to note that MTA has established a second tier of transit operations dedicated exclusively to school transportation, yet continues to utilize federal assistance to meet the operational costs of that service. Such subsidized service is not what the Congress intended these funds to be used for, and makes it virtually impossible for any contract school bus operator to compete for provision of these services.

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Case Study Two -- Green Bay, Wisconsin

Similarly, Green Bay Transit has entered into an agreement with the local school district to provide school transportation services. In so doing, it has displaced an existing contractor by submitting an artificially low bid given the federal subsidies that are used to offset the cost of such operations.

In this instance, the "tripper service" regulations were clearly abrogated given that:

- no public riders are carried on the routes in question;

- the routes were clearly modified to commence in areas densely populated with school students and terminating at or within close proximity to school grounds. While characterized as "modified route deviations," these new school bus routes are significantly different from the prior routing. Further, children board these vehicles at locations which are not designated public transit bus stops;

- the new routes were never advertised to the general public as available and never appeared in the regularly published system schedule; and

- the routes are subject to last minute changes given the vagaries of the daily school schedule (i.e., inclement weather).

Notably here, the FTA made on-site inspections of the Green Bay Transit operations at issue and concluded that complaints were meritorious and violations had occurred. A letter from FTA informed the agency of such violations, demanded that such activities cease within 60 days, and then remarkably provided detailed guidance on how operations could be brought into conformance. It almost goes without saying that Green Bay Transit remains in non-compliance to this day, many months after being admonished to take corrective actions, and suit had been brought in federal court by the local school transportation provider. That case is still pending.

Transit Buses vs. Yellow School Buses -- A Safety Comparison

There is a world of difference between these two vehicle types -- differences which underscore why for generations parents and educators have maintained a strong preference for transporting school children aboard yellow school buses. School buses are far and away the safest mode of surface transportation. Federal statistics indicate that the school bus is 2,000 times safer than the typical family car, and about twice as safe as a transit bus as based on overall death rates measured by vehicle miles traveled.

The differences are especially compelling when the welfare of the nation's most precious cargo is considered:

- School buses are designed and constructed to meet rigid safety standards that no other vehicle type are required to satisfy. There are no less than nine Federal Motor Vehicle Safety Standards which apply to school buses only. These range from mirror systems to track students in the danger zone around the bus, to body joint strength and rollover protections prescribed for school buses. The most important distinction is found in FMVSS No. 222. The seating arrangement mandated by this standard -- including such factors as spacing, height of the seat back, and padding of seat cushions and backs -- creates a containment system that protects children in the event of even a severe crash.

- School bus drivers are trained in handling young people and have the authority to keep strangers -- including those who pose a potential threat to young children -- from boarding the bus or accompanying a child off the bus. With a singular

focus on driving the designated route and the well-being and behavior of the children on board the bus, the school bus driver faces none of the many distractions which confront a city transit bus operator (i.e., fare collection, more frequent stops). School bus routes are designed to pick up children at or very close to the front door of their home. Transit stops can often require long, treacherous walks and subject children awaiting a bus to countless dangers.

- The school bus is an extension of the classroom, and it provides a safe, caring, nurturing environment. The transit bus, on the other hand, is an extension of urban streets, filled with strangers, and operated by a driver with no particular training for dealing with children. Rather than providing a safe haven for the trip to and from school, a transit bus poses countless risks to children in a strange environment.

- When the heavily subsidized transit industry is made to fully account for all of its operational costs, the current cost differential between the two modes evaporates. In fact, one study found that the average school bus operates for 18 cents per passenger mile versus 48 cents for transit buses. When the added liability exposure and the many intangible costs associated with school transportation are accounted for, most transit agencies would be hard-pressed to justify exclusive school bus operations absent federal subsidies. And as federal operating assistance is phased-out over the coming years, any current costs savings alleged by transit operators will truly be lost.

Need for Rigorous Enforcement

We must resolve anew that the yellow school bus is the preferred mode of school transportation, and eliminate the existing double standard of safety. If transit vehicles must be used for what is inarguably school transportation, then transit agencies must be made to fully comply with all federal safety laws and regulations that apply to the yellow school bus. If we are truly committed to safety, then all buses transporting students to and from school should be made subject to the most rigorous safety laws regardless of body type and ownership. At the very least, we have an obligation to the public to provide clearly distinguishable vehicles, equipped with special safety features geared to young passengers, and which are afforded preferential treatment by other motorists. We also owe the public specially trained drivers concerned with only a single ridership, and specially designed routes and schedules which minimize walking distances, assure safety, and provide fail-safe service.

The Congress should reaffirm its long-standing policy of prohibiting transit agencies in receipt of federal assistance from engaging in exclusive school transportation operations. While the historic interpretation of existing statute and regulations was thought to be clear and consistent, the Federal Transit Administration in recent years has exercised considerable latitude beyond what the Congress ever contemplated in permitting actions never intended by the St Germain Amendment. If the safety of our nation's most precious cargo is not to be imperiled and scarce federal resources not compromised, the FTA must be urged to vigorously enforce the law of the land. We all share a sacred responsibility to provide the best, safest and most nurturing environment for the school children who are entrusted to our care.

Thank you for the opportunity to present this testimony. We urge the Committee to move to address this mounting problem before a crisis overtakes us.

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Recent Examples of Transit Encroachment into School Transportation

(drawn from local news publications over the past year)

Austin, TX

In February 1995, a 10 year old boy was killed when he was hit by a car trying to cross the street moments after getting off a Capital Metro bus. Though police said no laws appeared to have been broken and the boy was at fault, the accident raised questions about the safety of children who ride Capital Metro buses and about a proposal to have Capital Metro transport all Austin Independent School District high school and middle school students.

Thousand Oaks, CA

City officials have urged that additional revenue be generated by drawing Conejo Valley Unified School District pupils off yellow buses and onto the city's blue transit vehicles. The city imposed school bus fees two years ago, which boosted transit ridership and reduced education costs. Thousand Oaks Transit has adjusted its routes and schedules to accommodate student class schedules.

East Moline, IL

City officials have increased fines for motorists that ignore the flashing red lights and stop arm of a yellow school bus. The new law, however, does not apply to Metro Link buses (the public transit agency). Those buses are not similarly equipped and motorists are not required to stop when they allow students to board or get off the bus.

Antioch, CA

In January 1994, the Antioch Unified School District determined that one solution to its budget problems was to eliminate busing to two junior high schools and one high school saving an estimated $400,000. Parents had already seen increased transit ridership in the preceding months given dramatic increases in the monthly rates charged parents for home to school transportation. In fact, this option was no longer cost competitive.

San Bernadino Valley, CA

Omnitrans, the local transit agency, has run newspaper advertisements heralding that "Not all School Buses are Yellow Ours are White with Blue and Coral Stripes." The agency boasts 33 routes which go to just about any school in the region.

Committee on Transportation and Infrastructure

Congress of the United States

House of Representatives

Room 2165, Rayburn House Office Building

Washington, DC 20515

Telephone (202) 225-4472

August 1, 1995

The Honorable Gordon J. Linton
Administrator
Federal Transit Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Administrator:

We are very concerned about an alleged pattern of actions by public transit agencies to engage in the exclusive transportation of school children in a manner which violates the St. Germain Amendment and the Federal Transit Administration's (FTA) trripper service regulations. We urge you to actively pursue and penalize those agencies which are violating federal law and regulation with regard to school transportation.

While trripper service which strictly conforms to FTA regulations has a legitimate place in our transportation system, the Congress has clearly established that we should not tolerate incursions by public transit operators into exclusive school transportation service. The St. Germain Amendment clearly prohibits such activity and of course all recipients of federal transit capital funding must certify that they are in compliance with this amendment. We fear, however, that violations may be on the rise while the level of enforcement activity has waned.

Violations of the St. Germain Amendment and a growing sense in the transit community that FTA will neither insist on compliance with its regulations nor impose sanctions are simply not acceptable to us. We strongly believe that transit grant recipients who intentionally violate federal laws and regulations should be subject to the withholding of federal funds.

We look forward to hearing from you soon on the status of the FTA's enforcement activities in this regard.

Sincerely yours,

BUD SHUSTER
Chairman

NORMAN Y. MINETA
Ranking Democratic Member

THOMAS E. PETRI
Chairman
Subcommittee on Surface
Transportation

NICK J. RAHALL
Ranking Democratic Member
Subcommittee on Surface
Transportation

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Senator DEWINE. I think that was an excellent summary. Thank you.

Let me start with you, Mr. Martin. I want to make sure I understand who you represent. It is my understanding that you represent private contractors who might contract with a State or with a local school district to provide bus service. Is that correct?

Mr. MARTIN. That is correct.

Senator DEWINE. So you would hire the drivers, you supply the bus, you provide the service.

Mr. MARTIN. Correct.

Senator DEWINE. In light of that and in light of the testimony of our previous panel, I wonder if you could comment on what is the standard among your members as far as driver training experience; how does that work?

Mr. MARTIN. Our company operates in 28 States, and I have concluded that there are probably 50 standards at a minimum. Each State regulates it over and above the Federal level. But as a general rule, most private school bus operators follow a combination of classroom and behind-the-wheel training that exceeds 40 hours. That is a general standard, equally weighted between the two, with heavy emphasis on loading and unloading and attention to the passengers. It is very passenger-oriented.

And I know it is common safety practice in many companies—we talked about backing up to a loading dock—at least, in our company, you had to request permission via radio to back up a bus anywhere on the route because backing up is so dangerous, given the nature of our passengers and the way they behave once they exit the bus, that many companies have adopted as a safety practice that you must call a dispatcher to get permission to back up that causes the driver time to think. That is the level of concern about the passenger needs that our company has demonstrated.

Senator DEWINE. And Mr. Martin, your company is which company?

Mr. MARTIN. I am now affiliated with Laidlaw.

Senator DEWINE. And you are in how many States?

Mr. MARTIN. We are in 30 States.

Senator DEWINE. And I understand that the legal requirements of each State are different, but do you have a uniform company policy in regard to training?

Mr. MARTIN. Yes.

Senator DEWINE. What is that?

Mr. MARTIN. The 40 hours that I mentioned—a minimum. In some States, we have to exceed that.

Senator DEWINE. Right, but that is a floor.

Mr. MARTIN. That is the floor. It is a modular-based training program, and you can build it as you need it, and you will have additional training over and above that for special education needs, special needs students.

Senator DEWINE. In that experience, what else have you learned besides what you have already told us, as far as what is important in regard to that training?

Mr. MARTIN. The repetitive nature of it, that drivers must have correct behaviors reinforced; that a certain amount of road observation and check rides need to occur so we can establish that the

drivers have patterns that are conducive to the proper use of mirrors and the proper procedure for counting their passengers once they are away from the bus—those sorts of things, to make sure those patterns are consistent and uniform.

Senator DEWINE. What is your requirement in regard to continuing training, if you have any?

Mr. MARTIN. There are typically nine meetings a year devoted to that, sort of an M.S. training. Then there are minimum check rides that have to be performed, road observations, and then retraining occurs for defensive driving every 3 years.

Senator DEWINE. Who conducts that?

Mr. MARTIN. It is usually a team effort between a local manager and a safety person from a regional office.

Senator DEWINE. Let me turn to the whole panel and see if we can get some common understanding of some facts, and then I will go into some specific questions.

How many students are transported every day? I think I heard the figure 2 million.

Mr. KINNEY. Are you talking about across the country, Senator?

Senator DEWINE. Across the country, how many students would be transported in public transit every day?

Mr. KINNEY. Public transit.

Senator DEWINE. Yes.

Mr. KINNEY. I will yield to Ms. Hafner.

Ms. HAFNER. At this time, I probably should respond officially for the record in order to get you an accurate statement. My presentation estimated that about 10 percent of the total rail passengers as well as the——

Senator DEWINE. Yes, but that is looking at it from the point of view of the transit; I am wondering if you look at it from the point of view of the total number of students who are transported each day, what percentage of those are transported on public transit, if you know?

Ms. HAFNER. I cannot answer that.

Senator DEWINE. Mr. Kinney, you do not know, either?

Mr. KINNEY. I do not know on public transit, but we do have over 23 million on school buses.

Senator DEWINE. Ms. Hafner, you do not know what the figure is?

Ms. HAFNER. At this point, I think we could get you that figure. It is a combination of the comparison of school transportation with public transit. But I can fulfill the public transit numbers for you.

Senator DEWINE. OK.

[Information follows:]

RIVERSIDE TRANSIT AGENCY,
1825 THIRD STREET
Riverside, CA,
April 15, 1996.

Mr. Josh Rubin,
Senator Mike DeWine,
United States Senate,
Washington, DC.

DEAR JOSH: Please find my response to Senator DeWine's question regarding the total number of school transportation trips provided by public transit versus the total number of school transportation trips.

APTA estimates the number of student trips provided on public transportation on an annual basis as being 1.06 billion. Mr. Ron Kinney advises me that the School Transportation News and School Bus Fleet Magazine have estimated that 10.1 billion trips are made by school transportation providers.

Please do not hesitate to contact me if I can be of additional assistance

Sincerely,

SUSAN J. HAFNER
General Manager

Senator DEWINE. Let me turn to another general question that has to do with the fatality rate. Ms. Hafner, you mentioned a fatality rate which you said was the same for public transit—let me make sure I understood that—was that public transit in general and school bus transportation in general?

Ms. HAFNER. Correct.

Senator DEWINE. That was not student-specific?

Ms. HAFNER. That was not student-specific in public transit.

Senator DEWINE. Right. So it is again to compare the number of fatalities per mile on a school bus, students on a school bus, versus fatalities per mile of the general population in public transit.

Ms. HAFNER. That is correct, yes.

Senator DEWINE. And I would assume—and correct me if I am wrong—I would assume that that is a figure that is derived from fatalities on the form of transportation, and it does not include getting on and off?

Ms. HAFNER. That is correct as well, yes.

Senator DEWINE. OK, because those figures would be very, very different, as we have seen already today with the school bus; the most dangerous time with a school bus is when you get on or off it. I would suspect—and I do not know—the most dangerous time may be getting on and off public transit as well because you do not have the flashers and you do not have all the other things you have with a school bus.

So I guess what we are finding now, or at least in today's hearing, is that we really do not have comparable figures.

Ms. HAFNER. That is correct.

Senator DEWINE. OK. Are there any other comments, or do any of you wish to express any final thoughts?

Mr. KINNEY. I would like to offer these comments regarding the transportation of primarily the younger students, Head Start through the 6th to 8th grade. Primarily because of the needs of these children and also the services that are provided today on school buses that are not provided on transit buses, our association feels strongly that certainly these children need the protection of the school bus and need to be on that vehicle.

Senator DEWINE. Well, then, let me ask this question for the whole panel. Do we have any idea how many students, let us say below the 6th grade, in which I would include Head Start, are transported each day on public transit? Is it a significant number?

Ms. HAFNER. I can answer from the Riverside Transit perspective.

Senator DEWINE. Sure.

Ms. HAFNER. It is very, very small. I would say that right now, we have probably got about 10 students going to Head Start with an adult taking them on a daily basis. So it is a very, very small percentage.

Senator DEWINE. Mr. Kinney, do you have any idea?

Mr. KINNEY. I have no other information. I do know that there is a new, emerging shuttle service—at least, it is occurring in California—where, due to budget constraints, schools have either eliminated or extended their walking distances. All of a sudden, we have these vans that are now becoming part of a transportation system for day care or just for that transportation that is no longer provided by the school districts. Certainly, that would be of concern to us as well.

Senator DEWINE. Mr. Kinney, let me ask you a specific question. Each State has different laws in regard to who in the local school district has to transport. In some States, the local jurisdiction can cut off transportation beyond a certain age or beyond a certain distance from school. Do you think that if in fact some of the jurisdictions were told that they could not—not that we are thinking about doing this—but if they were told they could not transport students on public transit that some of them would just stop transporting those students?

Mr. KINNEY. Yes, sir, I do.

Senator DEWINE. Period.

Mr. KINNEY. Yes.

Senator DEWINE. So the unintended consequence which anybody who was looking at this would have to try to factor in is what impact on safety you have when you take a certain percentage of students off public transit and send them to school Lord knows how—and Lord knows how many may be driving themselves, driving with a friend, driven with their parents, and so on. That is something that anybody who was trying to get a handle on the whole total safety issue would have to look at, would they not?

Mr. KINNEY. Yes, sir, I believe so. That is happening to us right now in California.

Senator DEWINE. Again I go back to the fact that of most available forms of transportation, I think everyone is going to agree that the school bus is a very safe form of transportation, public transit is a safe form in general as well, and that once you start getting beyond that into private vehicles, statistically, you are going to be much more at risk than you are on those two.

Are there any other final comments?

Mr. KINNEY. I would like to add one thing. I just became aware of a panel, I guess, that is being developed by the National Research Council to study the issue of transit in I believe it is rural communities. This information was presented to me, actually, by Ms. Hafner just before I left California to come here, and I just wanted to present that to the Senator as something that you might be interested in looking into as well.

Senator DEWINE. We would be happy to look at that.

Mr. KINNEY. Thank you.

Senator DEWINE. All right. We thank this panel very much.

Let me just conclude today by thanking all the members of the four panels that have been here today. They have made a great contribution. I think we all know a lot more about the different issues that we have discussed.

Let me just try to recap very, very quickly. The first challenge was outlined by the first two panels, and that challenge, we can see

by looking at this map. It would be my hope that by the time we hold another hearing, we do not see any red left on that map. This is something that can be clarified and rectified. This is a problem that can be fixed very, very, very easily. And again to recap, every State in the Union requires school buses to be inspected. They are already inspecting them. It does not take 30 seconds to do the inspection for the gap. There is no reason why that cannot be done, and it costs practically nothing to rectify the problem.

I think that if I were a school administrator at the State level or at the county level, at the local level, and I lived in one of these States, I would not sleep very well at night worrying about what was going to happen the next day. This is a case of clear responsibility. This is a case where the facts are clearly known, the jury is in, and we know what is going on. And I would just hope that we do not have to have any more children die before we get the attention of these States.

As a parent, when I put my child on that school bus, I do not think there are any guarantees—there are no guarantees in life—but the one guarantee I would think I would have is that the school would be doing all it could to make sure my child is safe. I think the people who run the schools in the States that are listed on this chart clearly are not living up to that responsibility. The facts are clearly in.

A second challenge that we have discussed today is improving the training of school bus drivers. We had an excellent panel. It is clear that the most important thing we can do as a country, the most important thing we can do as parents and as school administrators in regard to the safety of our children who ride buses is to improve training and retraining and retraining. There is something that I think should be fairly easy to do to at least start, and that is to make sure that what we are testing our school bus drivers for has something to do with transporting young children. It really does not make a lot of sense to be worrying about whether or not a person can back a truck within 2 inches of a loading area—that is important if you have to unload the truck, and it is pretty important if you are the driver; if you are in the position of having to unload a truck, you want the truck back there as close as you can get it—but it does not have a whole lot to do with the behavior of students, it does not have a whole lot to do with how a 6th-grader or a 7th-grader acts on a bus or, more importantly, how that 7th-grader is going to act when he or she gets off the bus.

As the father of eight children, I can tell you that they never cease to amaze me in how unpredictable they are and what they are going to do. It is just a different mind-set. And if you are going to test, which we are, if the Federal Government is requiring testing, which it does, it would seem to me that it makes a lot of sense for those tests to have some relevance to the skill of driving a school bus and, more importantly, not just driving the school bus, but being concerned about the safety and welfare of the lives of the occupants of that school bus.

I have a great deal of confidence that our second panel will be able, within 30 days to 45 days, to come back to us with a very specific recommendation about how to proceed in this area. The talent is there; they understand the problem. There is nobody better in

this country to do it than the people we have heard here today, and I am sure they can come back to this Congress with some specific recommendations to help deal with this problem.

Our third panel came about really as a result of the testimony from our first hearing, where one of the unexpected things that we found—at least unexpected to me—was how many students today are riding to and from school on public transit. This is an area, quite frankly, that several committees have jurisdiction in. Our purpose today was to try to highlight the issue and try to begin a dialogue and a discussion about the issue. As we saw from the testimony, we have a difficult time really delving into this simply because we do not have all the facts and all the statistics. So probably the initial thing that this Congress and the Federal Government can do is to do what it does many times, and that is to try to make sure we understand the facts and gather those facts and make them presentable to the public in a rational way so that we as a people can make a conscious decision about what is in the best interest of our students, understanding that mass transit in this country is very important—mass transit saves lives because it statistically is a lot safer than being in a car, so we do not want it to do anything that hurts our mass transit systems, either in the State of Ohio or across the country.

On the other hand, I think some legitimate concerns were raised today, legitimate concerns about the fact that we need to be looking at not just operating transit or operating buses, as one witness pointed out, but what we are doing is transporting people and children and our loved ones, and we need to make the transportation specific to that loved one and to that individual. Transporting a 3rd-grader is a lot different than transporting a 50-year-old male or female adult who presumably has a lot of life experience.

So I think the third panel was a good start to really discuss an issue that we are going to be dealing with for a long time.

Again I thank all the panelists, and I think everyone who has been here today for their attention.

[Additional statements and material submitted for the record follows:]

PREPARED STATEMENT OF SENATOR FRANK R. LAUTENBERG, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Mr. Chairman, I want to first commend you for holding today's hearing on the important topic of school bus safety. We would all like to trust that our nation's school buses are completely safe and school bus operators are trustworthy and capable. While for the most part, our system is safe, there are glaring deficiencies in existing law. To correct those deficiencies, [introduced legislation a few weeks ago, called the Omnibus School Transportation Safety Act of 1996, that would improve the safety of school bus travel. I appreciate the opportunity to submit testimony on this issue and about my bill.

My legislation would require background checks of school bus drivers, establish minimum proficiency standards for such drivers, and promote advanced technologies that can help prevent school bus accidents. In addition, the bill calls for a variety of studies that could improve school bus safety and increase the information on bus safety available to school districts and parents.

Mr. Chairman, we all agree that America's schoolchildren have a right to safe transportation to and from school. As a nation, we have a responsibility to do everything we can to guarantee that safety.

To ensure our children's safety, we first must ensure that bus drivers are decent individuals who will not harm their passengers. Unfortunately, sexual deviants often are attracted to driving a school bus because the job gives them easy access

to children. Children who ride on school buses, particularly those in elementary school, are extremely vulnerable to physical abuse. They are too young to comprehend what is being done to them and too small to physically defend themselves from an attack. We have a responsibility to provide as much protection as possible to this vulnerable population. My bill therefore would require all states to perform a federal background check on potential school bus drivers before they are allowed to be alone with our children. Background checks work. During the two months after California instituted federal criminal background checks in 1990, it screened out 150 convicted sex offenders, child molesters and violent criminals who tried to get permits to drive school buses.

Eighteen states already conduct state and federal background checks on their drivers. My amendment would not affect how these states administer their programs.

Fourteen states currently perform only state background checks. This is well-meaning, but insufficient. A convicted sexual deviant can easily move to one of these states, receive a clean background check, and begin driving his prey to and from school. My bill therefore would require those states to participate in the nationwide, federal program.

There also are 18 states that have no background checks for their school bus drivers. There is no rational reason why these states should not do more to protect their citizens.

Beyond requiring background checks for prospective school bus drivers, my bill includes a variety of provisions designed to reduce school bus accidents.

During the past 10 years, 300 school-age pedestrians under 19 years of age have died in school bus-related crashes. Two-thirds were killed by their own school bus. Half of all school-age pedestrians killed by school buses in the past 10 years were 5 and 6-year-olds. On average, 21 school-age pedestrians are killed by school buses each year, and 9 are killed by other vehicles involved in school bus-related crashes.

We also need to do much more to prevent school bus accidents. This bill attacks the problem on a number of fronts.

First, it would establish proficiency standards for school bus drivers. Driving a school bus with 40 screaming children is a unique skill that deserves specialized training. Unfortunately, many drivers are distracted when their young passengers are noisy or otherwise disruptive. The results can be tragic. Inattention is one of the two factors most often reported by police for school bus drivers striking school-age pedestrians.

Bus drivers already are required to have a commercial driver's license with a general endorsement for those driving vehicles with more than 15 passengers. However, there are no federal standards specifically directed to school bus drivers. My bill would require the Secretary of Transportation to prescribe such standards. Some states already prescribe a level of proficiency for school bus drivers, but many do not. My bill generally would not interfere with existing state programs, but it would ensure that all school bus drivers meet a minimum standard of proficiency.

Second, my bill would reduce school bus accidents by assisting states in developing safer places for children to enter and leave their bus. For example, states could make bus stops more safe by increasing their visibility. Similarly, states could establish special safe areas in which children could disembark from busses, away from traffic.

Third, the legislation would require the Secretary of Transportation to promote the use and reduce the cost of hazard warning systems or sensors that alert school bus drivers of pedestrians or vehicles in, or approaching, the path of the school bus. These warning systems can be critical in saving the lives of young people. Unfortunately, many school districts have failed to invest in such systems, perhaps because the cost can be high. We need to explore ways to reduce those costs.

The last provision that prevents school bus accidents would require the Secretary to improve training materials on school bus safety and to improve the distribution and availability of such materials to schools for use by the student safety patrols. The most effective way to protect schoolchildren is to teach them to protect themselves. The Department of Transportation can do more in this area.

My legislation also would promote research into the possibility of installing safety belts in school buses. In addition to the loss of life attributed to school bus accidents that I mentioned earlier, approximately 10,000 school bus passengers are injured every year. Most injuries occur during side and rollover collisions. In this type of collision, the "compartmentalized" seat does not protect children, who can fall up to eight feet to strike the roof, windows, other seats and other children.

To reduce these types of injuries, the State of New Jersey requires the installation and use of safety belts in all school buses. New Jersey's State law was adopted in response to a study by the New Jersey Office of Highway Traffic Safety into the

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safety of lap seat belts in large school vehicles. That study concluded that installation of seat belts in all school buses would improve vehicles overall safety performance. The study recommended that school buses be required to be equipped with seat belts, which led to later enactment of the New Jersey law.

I support this law and believe it should be adopted on a nation-wide basis. It is nearly impossible for a bus without belts to rollover without causing injuries or death. However, I recognize that some in Washington believe more information is needed before establishing such a federal requirement.

One cause of this skepticism is that the federal government does not study crashes in which there are no injuries. The National Transportation Safety Board only investigates bus crashes where there are severe injuries or fatalities. Therefore, the data it collects do not accurately reflect the benefits of safety belts in school buses.

A bus with safety belts costs an average of $1,000 more than a bus without belts. With an estimated school bus life of 15 years, seat belt installation would cost approximately$66 per bus per year.

Children are already required to wear seat belts in cars. Installing seat belts on the standard size school buses would reinforce the importance of wearing seat belts, reduce injuries to our children, cost relatively little to install and maintain, and overall, makes school bus transportation safer for our children.

My bill would require the National Highway Traffic Safety Administration (NHTSA) to study the safety impact of safety belts on school buses. It specifically requires that NHTSA evaluate the real life consequences of New Jersey's safety belt law. I am hopeful that the resulting study will help end the long-standing debate on this issue, so we can move forward to protect the lives of our nation's children.

Mr. Chairman, this legislation also requires the Secretary of Transportation to begin a rulemaking process to determine the feasibility and practicability of (1) decreasing the flammability of materials used in the construction of the interiors of school buses, (2) informing purchasers of school buses on the secondary market that those buses may not meet current NHTSA standards, and (3) establishing construction and design standards for wheelchairs used in the transportation of students in school buses.

The bill also requires the Secretary to conduct a variety of studies designed to provide an accurate data base of school bus safety information. In addition, the bill, in response to requests from some states, calls for federal guidelines on the securing in a school bus of children under the age of five, and on measures to facilitate their evacuation in an emergency.

The Omnibus School Transportation Safety Act of 1996 is comprehensive legislation that would dramatically reduce deaths and injuries of children associated with school bus accidents.

Mr. Chairman, I appreciate the opportunity to contribute to this discussion on school bus safety and look forward to working with you to pass legislation that addresses the inherent deficiencies in our existing laws. Thank you.

PREPARED STATEMENT OF GILBERT HOLMES, COMMISSIONER, INDIANA BUREAU OF MOTOR VEHICLES AND CHAIRMAN OF THE BOARD FOR THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

Good morning, I am Gilbert Holmes, Commissioner for the Indiana Bureau of Motor Vehicles and Chairman of the Board for the American Association of Motor Vehicle Administrators. I am pleased to present testimony on behalf of AAMVA this morning on the important issue of school bus safety.

The American Association of Motor Vehicle Administrators is a voluntary, nonprofit, educational organization. AAMVA represents state and provincial officials in the United States and Canada who are responsible for the administration and enforcement of laws pertaining to motor vehicle and driver licensing activities. The Association's programs encourage uniformity and reciprocity among the states and provinces, and liaison with other levels of government and the private sector. AAMVA's program development and research activities provide guidelines for more effective public service.

The Commercial Motor Vehicle Safety Act of 1986 provided for more stringent testing and licensing requirements for commercial motor vehicle drivers. An extensive evaluation of the effectiveness of the CDL program is currently being completed, but preliminary research shows the program is working, and is working well. That is not to say however, that there are not areas that need strengthening.

The current process requires commercial drivers, including school bus drivers, to take one or more written tests, depending on the type of vehicle they wish to drive. Applicants are also required to complete skills testing in the class of vehicle for which they are applying for a license. In addition to the CDL requirements, 28

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states have school bus permit laws in place. These laws often require the driver to complete a specified number of hours of training, submit to a driver history and criminal history check, and to take written, vision and skills tests before being authorized to operate a school bus. The driver may also have to complete retraining and re-testing prior to each renewal. The school bus permit system does place additional training and testing requirements on school bus drivers, however it is not a uniform system nor is it in place in every state.

The possibility of creating a new commercial drivers license classification specifically for school bus drivers has been discussed. Such a requirement would have a significant impact on Department of Motor Vehicle offices. States would be required to draft and pass legislation, make changes to their computer systems, and revise forms, informational literature, procedures and policies. Training would be needed for law enforcement, field staff, courts, prosecutors and the CMV community. The cost for making changes would require substantial federal funding.

AAMVA, as an active and responsible member of the North American safety community, feels we should share in the responsibilities related to putting qualified drivers on the road. We also realize it is no longer possible for any of us to operate in a vacuum. The education and training communities, along with industry, government, law enforcement and the motor vehicle agencies must work together. To that end, we are very pleased to have been invited to take part in this discussion.

The responsibility for operating a commercial motor vehicle is awesome; whether a person is driving an 80,000 pound tractor trailer or a school bus full of children. To be successful in attacking the qualified commercial driver problem, you must understand that the testing and licensing process is only a part of the solution. Entry level driver education and training, along with a solid commitment from industry supporting a new way of doing business, are also key components.

Knowledge and skills testing forces applicants to acquire the requisite knowledge and skills through instruction and practice. However, even the most thorough test only samples the knowledge and skills that are required to drive a vehicle safely. It is also true that licensing tests cannot predict how safely people actually drive when they are not being tested. The way individuals behave on the highway is determined by attitudes and habits that are seldom revealed in the presence of a license examiner.Those attitudes and habits are shaped by the education and training processes or lack thereof, that a driver has been exposed to.

Currently, there are no mandated entry level education/training requirements associated with any part of a commercial drivers license. To be effective and to make an impact on the current qualified commercial driver problem, including school bus drivers, we feel that education and training must be tied to the licensing process.

Our recommendation to this Committee is three-fold.

1. Work toward establishing minimum education/training requirements for all commercial vehicle operators including school bus drivers, at the same time linking that requirement to the licensing process.

2. Consider working within the current framework of the CDL program to strengthen the passenger endorsement, making it more responsive to school bus operation.

3. Provide adequate federal funding for states to implement and maintain the proposed changes.

Our Association is willing to work with this Committee to improve school bus safety. It is our hope that together we can make our highways safer for all drivers. Thank you.

Prepared Statement of Guy Heston, Assistant General Manager, Long Beach Public Transportation Company

Thank you, Mr. Chairman, for the opportunity to provide the Committee with our comments on the role of public transit in safely transporting students to school. My name is Guy Heston. I am Assistant General Manager of Long Beach Transit.

First I would like to provide you with some background information about Long Beach Transit. Long Beach is located about 20 miles south of Los Angeles. We are one of 16 locally operated transit systems that serve Los Angeles County. Together, these local operators carry about 70 million boarding customers a year. In terms of size, this would be a system about the size of Atlanta or Denver. This service is in addition to the transit services operated by the Los Angeles County Metropolitan Transportation Authority. All of the local and county transit systems work together as a network to serve the residents of L.A. County.

Long Beach Transit operates about 200 vehicles throughout our city and neighboring communities. We serve approximately 23 million boarding customers each year. About 20 percent of these boardings are students.

We have developed a very close and cooperative working relationship with the Long Beach Unified School District, which is one of the largest school districts in California. Each day, more than 6,500 of our system boardings are junior high and high school students who rely on Long Beach Transit to get to school via our regularly scheduled bus routes in the community.

This service is very critical to the Long Beach community. Over the past decade, there have been major demographic changes in the Long Beach area. Specifically, certain sections of the city have experienced tremendous population growth that would result in terrible overcrowding of certain neighborhood school campuses were it not for an effective transportation network that permits the school district to more evenly distribute students to various campuses. This network consists of privately operated school buses, school district operated vehicles and the regularly scheduled routes of Long Beach Transit.

This system serves our community very well. Each month, the school district purchases up to 3,000 Long Beach Transit passes and distributes them to students. This is a very cost effective solution for the school district. To transport these students via other means would present a tremendous financial burden. And, as you know, our nation's schools already face substantial budget challenges. Together, the network of yellow school buses and the public service operated by Long Beach Transit help our community make the most advantage of the resources available to us. We all work together to serve our residents. It is a good example of how transit service is so closely linked to education and jobs.

I would like to offer some brief comments on safety. We are exceedingly proud of our safety record at Long Beach Transit. Our community can have the highest confidence that not only students but all transit riders receive safe service. We are continuously looking for methods to ensure the safety of our customers. For example, each year every operator receives at least eight hours of special safety training. We have a very aggressive risk management program that includes an accident reduction task force, extensive operator and rider educational efforts, and special training opportunities for our bus operators. We have also implemented the American Public Transit Association bus operator survey and selection program (BOSS) which we believe will help us improve our pool of operators to provide safe and efficient service. And I would like to add we have had for several years a comprehensive drug policy. I am very pleased to let the Committee know that we have completed the first year of the federally mandated random drug testing policy, and in that first year of random testing not a single safety-sensitive employee of Long Beach Transit screened positive. Finally, Long Beach Transit has implemented a transit security program which has improved both the actual and perceived safety of both riders and operators on our buses, and persons at our transit facilities. We contract with the Long Beach Police Department to provide four officers and a supervising sergeant to patrol our bus routes and facilities, including an undercover program. Since the program began, average response time to transit-related incidences has been reduced from 45 minutes to 6. The resources of the full Long Beach Police Department are available to us as the situation warrants.

In summary, Long Beach Transit and transit systems across our country are a vital link in ensuring the young people of our nation have access to education. We work together with school districts to provide safe and efficient service to improve the quality of life for residents of our communities. Thank you for the opportunity to provide these comments.

Prepared Statement of the American Academy of Pediatrics

The American Academy of Pediatrics (AAP) represents 50,000 pediatricians committed to the health, safety and well-being of infants, children, adolescents, and young adults. We appreciate the efforts of the Senate Labor and Human Resource Committee to address issues relating to school bus safety.

As you know, about 25 million children per year ride about 4 billion miles per year on school buses. The Academy is committed to the development of standards, resources, education,and policies relating to school bus safety for all children. Accordingly, the Academy's Committee on School Health and Committee on Injury and Poison Prevention jointly developed an Academy policy statement on school bus safety (attached) that was first published in 1985 and was reaffirmed in 1990. Revisions of that statement have just been completed and will be published in the Academy's academic journal, Pediatrics, in May of this year. As the statement is embargoed until that time, we will forward a copy of it to the Committee as soon as it is published.

Driver Training and Education

Given the Committee's particular interest in driver education, you may be interested to note that the Academy recommends that adequate and appropriate bus driver training should be mandatory in all school districts and should include provision for health screening on a periodic basis, including vision and hearing evaluations. As discussed below, special training is needed for personnel involved in the transportation of children with special needs. As mentioned in the attached Academy letter to the National Highway Traffic Safety Administration (NHTSA), we also recommend training school bus drivers and aides on the use of child restraint systems and how important it is to use such devices in the proper manner.

Transportation of Children with Special Needs

As the Committee is aware, the implementation of the Individuals with Disabilities Education Act means that school systems are transporting a number of children with special health care needs, including infants and toddlers. Ensuring the safety to these children requires special measures, which the Academy has addressed in a policy statement developed by the AAP Committee on Injury and Poison Prevention that was published in the January 1994 issue of Pediatrics. A copy of that statement is attached to our testimony as well. You will find that it includes detailed recommendations concerning the proper ways to restrain children with special needs, including infants and toddlers, and children who must remain in wheelchairs during transport. The statement also identifies considerations that school systems should address as they develop plans for transporting children with special needs, such as the need for attendants trained in medical procedures, the importance of emergency evacuation plans and drills, and measures to control infectious diseases.

Crash-testing and Other Regulatory Activity

We would also like the Committee to be aware of comments that the Academy recently submitted to the National Highway Traffic Safety Administration (NHTSA) in response to its solicitation of public input on school bus safety (NHTSA docket number 95-98-No 1). While many of these comments relate to regulatory activity, we hope that the Committee will do what it can to further the Academy's recommendations, which address, among other things, the need to crash-test various types of child restraints in a school bus environment. A copy of the Academy's letter to NHTSA is attached for your information.

We appreciate the opportunity to provide our comments and recommendations to the Committee, and hope that you will feel free to call upon the Academy if we can provide you with any additional information or expertise. Thank you for your attention to this important issue.

American Academy of Pediatrics

Policy Statement: School Bus Safety

(RE5044)

In 1970, the American Academy of Pediatrics, in a supplement to *Pediatrics*, reviewed the laws, regulations, and practices in school busing in the United States.[1] This survey was carried out by Physicians for Automotive Safety. The information available at that time (from 46 states) indicated that 14,709,000 students were being transported in a total of 203,994 vehicles.[1] Recent data now indicate that approximately 22 million pupils are transported daily to and from schools in the United States in nearly 400,000 school buses.[2]

Based in part on the recommendations resulting from the 1970 survey, the National Highway Traffic Safety Administration in February 1973 issued the Federal Motor Vehicle Safety Standard (FMVSS-222), which became effective in April 1977. That standard prescribed passive protection for school bus passengers and looked specifically at: 1) the seat and seat anchorage strength; 2) the seat and restraining barrier height and surface area; and 3) padding on surfaces within occupants' head space.

The National Highway Traffic Safety Administration subsequently has denied a petition from Physicians for Automotive Safety that the FMVSS-222 include requirements for anchorages for seat belts. Seat belts presently are required in vehicles weighing 10,000 pounds or less with a maximum passenger capacity of 16. Seat belts are not required for larger school buses.

The primary reason given for not requiring seat belts in buses weighing more than 10,000 pounds is that the number of "inside bus fatalities" nationally does not justify the expense and maintenance of seat belts. However, in 1982 there were 140 deaths resulting from school bus accidents. Included in this total were 60 pupils, 5 bus drivers and 75 "others." In addition, there were 7,000 reported injuries; 4,200 of those injured were students.[2] Therefore, should the number of deaths alone not justify changes, the potential for a reduction in the number of injuries, and/or in the seriousness of those injuries, would seem to make further changes in FMVSS-222 highly desirable.

Unsupported arguments have been presented in an effort to prevent seat belt installation on school buses. Among these are:

1. Children can't handle the buckle adequately. (The American Academy of Pediatrics notes that all children, given their familiarity with seat belts and buckles, should be able to satisfactorily buckle and unbuckle seat belts.)

2. The buckles would entrap children and could leave them dangling from the ceiling in accidents in which the bus is overturned. (This is true, but it is still preferable for children to be strapped in rather than thrown out of the seat or the vehicle at the time of an accident.)

3. Wearing seat belts would produce internal injuries. (With the restraints presently available, any school aged child can safely wear a seat belt.)

4. Children could use the belts as weapons. (Children have much better weapons available, including lunch boxes and books. In addition, the newer, lightweight, smaller, retractable seat belts now available are unlikely to be effective as weapons.)

Based on a review of the available and extensive data, the American Academy of Pediatrics supports the following changes in School Bus Safety Standards:

1. Seat backs should be elevated to 28 inches. This is four inches above the height now mandated by federal regulations and will support and cushion a child's head and neck.

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2. All seat backs and tops should be padded with firm materials that adequately absorb impact. The padding should completely cover the entire rear of the seat in addition to the top rail. The padding also should be placed on all stanchions and "modesty panels." Seat construction should be designed to eliminate sharp or unyielding objects that could cause or worsen injury.

3. Seat belts should be required on all *new* lymanufactured school buses—regardless of their size and the number of pupils transported.

4. Adequate and appropriate bus driver training should be mandatory in all school districts and should include provision for health screening on a periodic basis, including vision and hearing evaluations.

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3 National Safety Council: School Bus Accidents, 1982. *Accident Facts*, 1983 ed., Chicago, IL, p. 92.

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Date of approval by Executive Board: October 1984
Date of publication: February 1985

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AMERICAN ACADEMY OF PEDIATRICS

School Bus Transportation of Children With Special Needs (RE9401)

Committee on Injury and Poison Prevention

Many school-aged children with handicaps are transported in school buses. A recent amendment to the Individuals with Disabilities Education Act has established requirements for infants and toddlers to have access to developmental and rehabilitation facilities. This amendment, to Part H of the Individuals with Disabilities Education Act (enacted as part of Public Law 102–119), however, does not specify how these children are to be transported to these facilities, a responsibility that will be faced by many school systems.

FMVSS 222 (School Bus Passenger Seating and Crash Protection) established safety requirements for school bus interiors, but to date it only applied to able-bodied children. However, an amendment to FMVSS 222 becomes effective in January 1994 that applies to the securement of wheelchairs and their occupants in school buses. National recommended standards for special education school buses were revised in May 1990 by the Eleventh National Standards Conference on School Transportation.[1]

Wheelchairs are the primary mode of transport on the school bus for many children with special needs. They have not been developed as safety restraint devices, however, and are not currently subjected to any crash-testing requirements. Research,[2-6] nevertheless, has provided a basis for recommendations concerning occupant securement for a wheelchair-dependent child and a child with special needs who is transported on a school bus:

1. Any child who can assist with transfer or be "reasonably" moved from a wheelchair, stroller, or special seating device to the original manufacturer's forward-facing vehicle seat equipped with dynamically tested occupant restraints or be "reasonably" moved to a child car seat complying with FMVSS 213 requirement should be so transferred for transportation to and from school. The unoccupied wheelchair also should be secured adequately in the vehicle* to prevent it from becoming a dangerous projectile in the event of a sudden stop or crash.
2. Passenger seats that have a child safety seat or restraint system attached thereto should have a reinforced frame and meet the requirements of FMVSS 208 (occupant crash protection), FMVSS 209 (seat belt assemblies), and FMVSS 210 (seat belt anchorages).
3. All child safety seats or restraint systems used for transportation in any school bus by children who weigh less than 50 lb should meet the requirements of FMVSS 213.
4. Child safety seats or restraint systems must be secured to the bus seat in a manner prescribed and approved by the manufacturer.
5. Car safety seats used to transport children weighing less than 20 lb should be attached to the school bus seat in a rearward-facing position.
6. Occupied wheelchair(s) should be secured in a forward-facing position.
7. Three-wheeled, cart-type units and other wheelchair/stroller-type devices should not be permitted for occupied transport in a school bus unless results of impact tests demonstrate their ability to be secured under impact loading conditions. Any wheelchair or stroller-type unit designed and approved by a manufacturer for transportation must be used according to manufacturer's instructions.
8. Wheelchairs should be secured with fastening devices that are attached to the floor. Fastening devices should attach to the wheelchair at four points and must have demonstrated capabilities for restraining the wheelchair during a frontal impact with force conditions of 30 mph and 20g. The wheelchair securement system must not apply restraint to the wheelchair through the occupant and should attach to the frame of the wheelchair rather than to the wheels.
9. Any occupied wheelchairs should be secured with four-point tie-down devices. These tie-down systems should be dynamically tested with a male dummy at the 50th percentile or with a dummy at the appropriate size for the type of wheelchair necessary.
10. Lap boards or metal or plastic trays attached to the wheelchair or to adaptive equipment should be removed and secured separately for transport.
11. An occupant restraint system that has been tested at 30 mph and 20g force conditions and that includes upper torso restraint (ie, shoulder harness) and lower torso restraint (ie, lap belt over pelvis) should be provided for each wheelchair-seated occupant.

This statement has been approved by the Council on Child and Adolescent Health.

The recommendations in this policy statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

For additional information on this topic a policy statement entitled, "Transporting Children with Special Needs," developed by the Committee on Injury Prevention, was published in the October 1991 issue of this publication, a newsletter of the American Academy of Pediatrics.

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12. Any liquid oxygen transported in a school bus should be securely mounted and fastened to prevent damage and exposure to intense heat.

The following considerations should be incorporated into the school system planning for the transportation requirements of children with special needs:

1. In accordance with state laws and regulations, a nurse or an aide with appropriate medical training can provide necessary on-board assistance and support to most children with tracheostomies who may require suctioning or emergency care during school bus transport. School systems should consider providing nurses or aides, when medically necessary, to help reduce the potential for respiratory and other related problems occurring while the children are on the school bus. This assistance should be included where appropriate in the child's Individual Education Plan.
2. School bus transportation staff should have annual access to training programs and resource material on special needs transportation to ensure that they can provide the most current and proper support to children with special transportation requirements. Transportation staff who work with children with special needs can carry out their daily responsibilities when provided with documented training that assures consistent and proper restraint for children with special needs on school buses.[7]
3. Parents of children with special needs should be informed of the importance of incorporating appropriate and safe transportation specifications in their child's individual education plan.
4. School systems can help assure optimum protection for children with special needs during school bus transport by establishing a written plan that outlines procedures for emergency evacuation and by requiring, at the minimum, an evacuation drill for each school year that enables the transportation staff to practice working with evacuating children under their care.
5. Children who are technology-supported may have an increased potential for carrying infectious and communicable diseases. Schools are advised to develop a comprehensive infection control program to protect transportation staff, school employees, and the children being transported. Caretakers who have direct contact with at-risk populations of children should be offered hepatitis B vaccine. Transportation staff should be provided with training and supplies that prepare them to carry out universal precaution practices and procedures to control unnecessary exposure to various diseases.[8]

The American Academy of Pediatrics anticipates that more states will begin to address the transportation requirements of children with special needs. Pediatricians can help their patients by being aware of general guidelines for evaluating restraint systems that meet the needs of children with special needs and remaining informed of new resources as they become available. Periodically updated information on specific restraint systems for children with special needs can be obtained through the American Academy of Pediatrics. In addition, pediatricians can play important roles at the local and state levels to assist in the evaluation and development of school bus specifications that are responsive to the safe transportation requirements of children with special needs.

Committee on Injury and Poison Prevention, 1993 to 1994
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March 15, 1996

National Highway Traffic Safety Administration
Room 5109
400 7th Street, SW
Washington, DC 20590

Re: Docket No. 95-98-No1

To Whom it May Concern:

The American Academy of Pediatrics has a commitment to the development of standards, resources, education, and policies relating to safety on the school bus for all children. We strongly support the efforts of the National Highway Traffic Safety Administration (NHTSA) to open up a national dialogue on safety issues relating to school buses and are pleased to provide comments relating to the above-referenced docket number.

1. With increasing use of child restraints for transportation of preschool age children on the school bus, NHTSA must look at all types of restraints and how they perform in crash testing in the school bus environment. The configuration, height, and spacing between bus seats makes this environment different from the performance expectations of a car safety seat in the conventional motor vehicle. Crash testing will provide a critical base of research and guidelines needed for people to be able to select and use child restraints appropriately in the school bus.

The types of restraints evaluated in the school bus setting under crash conditions should include: conventional child restraints; large medical car safety seats that can be utilized for a child up to 105 lbs; safety vests; and other special car safety seats.

2. Education must be provided to personnel directly involved with the purchase, installation, and retrofitting of seat belts on school buses. Instruction should include information on how to install the seat belts; requirements that must be met, including federal safety belt standards (FMVSS 208 and 209); and the importance of installation on a reinforced seat frame (FMVSS 210).

3. Education about the importance of proper use of child restraints and dealing with special medical needs must be part of the training of bus drivers' aides and attendants.

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4. We commend NHTSA for its recent release of the School Bus Safety curriculum in cooperation with the National Safety Council. The Academy urges NHTSA to encourage schools throughout the country to continue promoting the availability of this resource through press releases, publications, and collaborative efforts with the Department of Education and other federal agencies. In addition, materials need to be developed to help reach children with special needs and their families about school bus safety.

5. With the potential development of crash-worthy wheelchair standards from the Subcommittee on Wheelchairs and Tie-Downs (SOWHAT) and Rehabilitation Engineering Society of North America (RESNA), the American Academy of Pediatrics strongly advises NHTSA to recognize language in these standards that looks beyond a crash-worthy wheelchair frame and considers the hardware that attaches a seating insert or other support equipment to a frame that already has been certified crash-worthy by the SOWHAT/RESNA standards.

We encourage the development of resources to reach all children under the emerging initiative from NHTSA on Safe Communities, which will provide an opportunity to position school bus safety as part of community-wide efforts to address all areas of child injury prevention. Perhaps no other issue invites the opportunity to bring in medical and rehabilitation professionals as much as concern for the transportation of children with special needs in school buses.

The American Academy of Pediatrics strongly endorses action steps taken by NHTSA to further assure the safety of all children on school buses.

Sincerely,

Maurice E. Keenan, MD

Maurice E. Keenan, MD
President

MEK:jeg

cc: Marilyn Bull, MD
Paula Duncan, MD
Murray Katcher, MD

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Congress of the United States
House of Representatives
Washington, DC 20515–3219

Statement of the Honorable
Sue W. Kelly
before the Labor and Human Resources Committee
hearing on school bus safety

April 2, 1996

Mr. Chairman,

Thank you for holding today's hearing to focus on the important issue of school bus safety.

Mr. Chairman, my testimony is motivated by the tragic accident which occurred on February 8th in Greenburgh, NY. Andrea Chen was a fourteen year old Irvington High School freshman who had a bright and promising future. Her life was tragically cut short on that Thursday afternoon when a drawstring on her coat became entangled in the handrail of the school bus as she exited. As the bus pulled away, Andrea was dragged and struck by the rear wheels.

It seems we mourn the death of young people all too often, Mr. Chairman. Ours is a world fraught with pitfalls that claim far too many of the nation's youth. But what compounds this particular tragedy is the fact that it didn't have to happen, it shouldn't have happened, and we as public officials have a solemn duty to ensure that it doesn't happen again.

According to the New York State Department of Transportation, the school bus in question was subject to an August 29, 1995 voluntary recall to modify the faulty handrail which caused the accident. The handrail apparently was not modified. Under current state regulations, buses are inspected twice a year, including handrails, and bus owners are notified if a handrail is determined to be defective. The regulations do not require bus owners to fix handrails, however.

The state has new regulations pending that will require the repair of defective handrails within 15 days. This is an important and needed reform, which should help to prevent further tragedies from occurring in the future.

We can do more, of course, and I want to commend you, Senator DeWine, for calling today's hearing and for your efforts at promoting handrail safety throughout the country. Accident prevention can sometimes be as simple as ensuring that all students exit the bus and safely clear the street before pulling away. Bus drivers carry a very special cargo. The safety of our children must be their number one priority.

Mr. Chairman, I would like to close with a few observations about the impact of Andrea's death on the community. As is usually the case among close-knit communities around the country, tragedy often brings out the best in people and draws communities closer together. This is certainly the case in the Chinese-American community in and around Greenburgh. The community experienced the joy of Andrea's life, and is carrying the burden of the pain of her passing. My prayers are with Andrea's parents, Michael and Jin Chai Chen, and her brother, Andrew.

We can help to ease that pain somewhat, Mr. Chairman, by dedicating ourselves to promoting better school bus safety. Thank you, Mr. Chairman.

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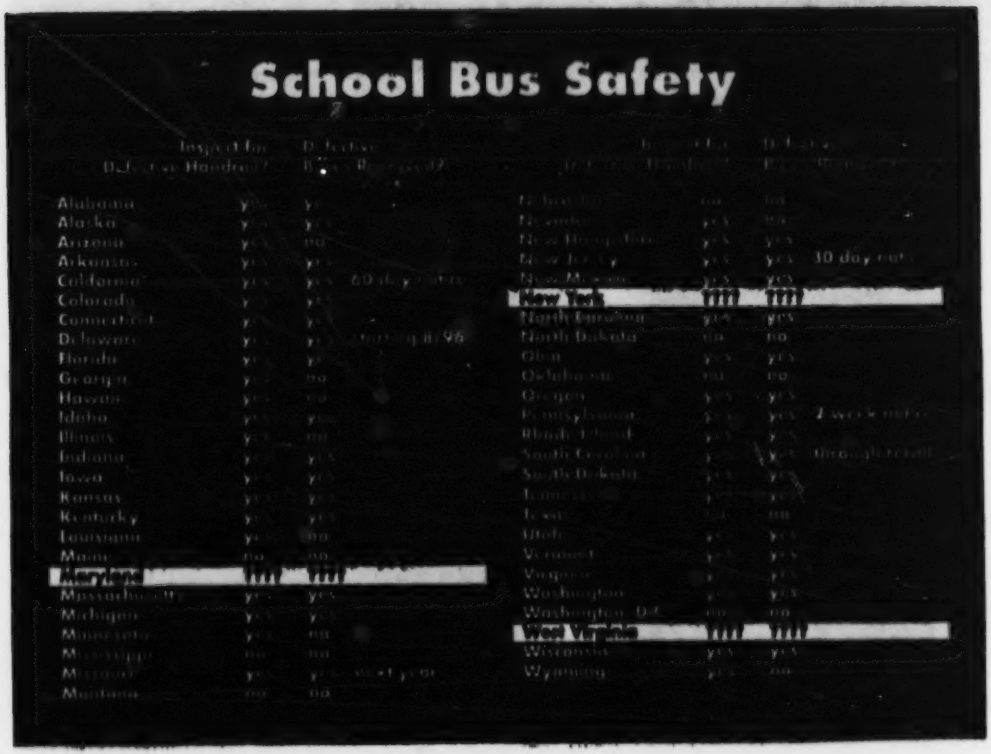
Is Your Child Safe?
Does Your State Remove School Buses With Dangerous Handrails?
YES
NO


School Bus Safety

THE STATE EDUCATION DEPARTMENT

OFFICE OF CONTINUING SERVICES

General Aids and Services Team, 507 West, EB, Albany, New York 12234
(518) 474-2977

August 2, 1995

The Honorable Mike DeWine
U.S. Senator from Ohio
140 Russell Senate Office Building
Washington, D. C. 20510-3503

Dear Senator DeWine:

Thank you for your letter of July 12th concerning the potential danger of handrails on school buses and the information you provided concerning the Connecticut test currently being used by your state. Those of us working in pupil transportation services in the state of New York certainly share your concern for the safety of our children and the problems inherent in the current design of school bus handrail systems.

I was very pleased by the actions taken by the 12th National Standards Conference held this Spring in Missouri. New York supports the Conference Resolution on Handrails, which in part calls for the development of driver education or awareness programs, for notification to parents, students, and school personnel of the potential dangers of drawstrings, and for school bus manufacturers to retrofit existing buses and to design an improved handrail system for the future which eliminates the entanglement dangers.

I can assure you that the pupil transportation system in New York is following the suggestions of the Conference. At the 37th Annual Transportation Management Workshop recently held in Albany, New York and sponsored by the New York Association for Pupil Transportation (NYAPT), Mr. James Page, a Senior Crash Reconstructionist with Calspan Corporation, presented on Handrail/Drawstring Related Fatalities. School superintendents, business administrators, transportation supervisors, contractors, and bus drivers from across the state attended. They viewed a presentation which included school bus video footage of an accident taking place, and they reviewed the primary causes of such accidents and discussed ways to eliminate them. Additionally, NYAPT published in the April/May 1995 issue of their publication entitled The Shock Absorber, a memorandum concerning school bus inspections and handrails. The memorandum describes in detail how to conduct the Connecticut test. The Pupil Transportation Safety Institute located in Syracuse, New York has also produced informational flyers noting the possible dangers of drawstrings becoming entangled in handrails. These are for distribution by districts to school bus drivers, and parents of students.

At the state government level the New York State Department of Transportation has incorporated into their twice annual inspection procedure of school buses a review of handrails. The inspectors check for retrofit spacers and draw to the attention of contractors or districts any handrails which have not been modified. At the present time, inspection approval is not withheld if the handrails have not been modified to include spacers. The New York State Education Department will raise the question of handrails and testing at a future meeting of the Tri-Agency School Bus Safety Committee which consists of representatives from the New York State Departments of Motor Vehicle, Transportation, and Education, local school districts, and contractor associations.

I appreciate your concern regarding handrails and applaud your efforts to draw to everyone's attention the importance of reviewing our policies. If you should have any questions or future informational needs, please feel free to contract me at 518-474-2977.

Sincerely,

Marion F. Edick

Marion F. Edick
Director of Pupil Transportation Services

MIKE DEWINE
OHIO

[illegible] Senate Office Building
(202) 224-2315
TDD: (202) 224-4921

United States Senate

WASHINGTON, DC 20510-3503

July 12, 1995

COMMITTEES:
JUDICIARY
INTELLIGENCE
LABOR AND HUMAN RESOURCES

Benita Stambler
Special Aids Stack and
Management Head
New York State Education Building
910 West Wing
Albany, NY 12234

Dear Benita:

I am writing to warn you of a dangerous defect in school buses that is costing the lives of children. Every school bus in your State needs to be tested for this defect before school starts this fall.

By now, I am hopeful you are aware of the tragic occurrences around the country involving children being injured, and in some cases, killed, while exiting school buses. In each of these instances, an article of a child's clothing, or even a backpack strap, gets caught in the handrail of their school bus while the child is exiting the bus. The bus doors close and without the driver realizing that the child is still attached to the bus, the bus pulls away and the victims are dragged, and even run-over by their own bus.

These tragedies are easily preventable but unfortunately, there are still dangerous school buses on the road today. Therefore, I implore you, as the person responsible for pupil transportation in your State to make sure this tragedy never happens again.

In my own State of Ohio, the Ohio State Highway Patrol conducts school bus inspections every year. This year, these inspections are going to include a special test of the handrail to ensure its design is not susceptible to clothing being snagged.

The test involves a long string with a nut attached to the end. From outside the school bus door, the nut is dropped into the crevice where the lower end of the handrail is attached to the lower area of the step well. When you pull the device toward the outside of the school bus through the crevice, you know the bus is unsafe if the nut gets caught in the handrail. In Ohio, every bus that does not pass this test is being pulled off the road until it is fixed.

Ohio does not have a monopoly on this problem. In fact, I first heard about this test being done in the State of Connecticut. If you are not already testing school buses in your State, I urge you to do so. With kids home for the summer, now is the time to make sure they will have safe transportation to and from school next fall.

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I appreciate your immediate attention to this matter. If you have any questions, please do not hesitate to contact Josh Rubin in my office at 202-224-2315, or Ron Engle at the National Highway Traffic Safety Administration at 202-366-1739.

Very respectfully yours,

MIKE DeWINE
United States Senator

Senator DEWINE. Thank you.
[Whereupon, at 11:59 a.m., the committee was adjourned, subject to call of the chair.]

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